

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER 91-1119-07C	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER 91-0702-04E
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For use by Office of Administrative Law (OAL) only

1991 NOV 19 PM 4:25

ENDORSED
APPROVED FOR FILING

DEC 12 1991

Office of Administrative Law
REGULATIONS

NOTICE

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

0491-16

FILED
In the office of the Secretary of State
of the State of California

DEC 13 1991

At 4:27 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)		FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91, #312	PUBLICATION DATE 8-2-91	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	40-011
	AMEND	44-115.311.311; 44-133.332, .334 (handbook), .632 (handbook), .754 (handbook), and .9; 44-315.1 through .9; & 44-352.125 (handbook)
	REPEAL	
	TITLE(S) MPP	

SEE ATTACHED STD. 400 for sections.

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY

John D. Healy, Interim Director

DATE

NOV 18 1991

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for re adoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

STATE OF CALIFORNIA OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-1119-07C		91-0702-04E
For use by Office of Administrative Law (OAL) only				
NOTICE			REGULATIONS	
AGENCY State Department of Social Services			AGENCY FILE NUMBER (if any) 0491-16	

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)				
SECTIONS AFFECTED	ADOPT	40-011		
	AMEND	44-115.311 ; 44-133.332, .334 (handbook), .632 (handbook), .754 (handbook), and .9; 44-315.1 through .9; & 44-352.125 (handbook)		
	REPEAL	44-315.4, .41, .411 through .415, .43, and .431		
2. TYPE OF FILING				
<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346) <input type="checkbox"/> Resubmittal <input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) <input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b)) <input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above. <input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)				
3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) Not Applicable				
4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2) <input type="checkbox"/> Effective 30th day after filing with Secretary of State <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> Effective other (Specify)				
5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)				
5. CONTACT PERSON Jim Rhoads, Asst. Bureau Chief, Regulations Development Bureau				TELEPHONE NUMBER (916) 657-2586

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE 	DATE NOV 18 1991
TYPED NAME AND TITLE OF SIGNATORY John D. Healy, Interim Director	

Amend Section 40-011.32 to read:

40-011 IMPLEMENTATION OF MAXIMUM AID PAYMENT (MAP) ROLL BACK
REGULATIONS

40-011

- .1 Effective Date This regulatory action shall be effective September 1, 1991 for applicant and continuing cases.
- .11 Budgeting The change in grant computation shall be effective with the July 1991 budget month affecting the September payment month.
2. Sections Affected The following sections are adopted with this regulatory filing.
- 44-115.311
 44-133.332 and .334 (Handbook)
 44-133.632 (Handbook)
 44-133.754 (Handbook)
 44-133.92 and .931 (Handbook)
 44-315.1 through .9
 44-352.125 (Handbook Example)
- .3 Changes
- .31 Treatment of Income Section 44-133 is amended to be consistent with the changes in the grant computation in Section 44-315.
- .32 MAP Roll Back -- Grant Computation Section 44-315 is amended to roll back the MAP amounts and to change the grant computation so that income is counted against the Minimum Basic Standard of Adequate Care (MBSAC) rather than the MAP. Section 44-115 is amended so that the in-kind income is counted against the MBSAC rather than the MAP.
- .33 Overpayment Recoupment Section 44-352.125 is amended to have the example be consistent with the changes in the grant computation in Section 44-315.
- .4 Reason for Change These changes implement Welfare and Institutions Code Sections 11450, 11452 and 11453 as amended by Chapter 97, Statutes of 1991.

Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 10553 and 10554.

Amend Section Title to read:

44-115 EVALUATION~~OF~~ OF INCOME IN-KIND (Continued)

44-115

.3 In-Kind Income Values

.31 (Continued)

.311 Individual in-kind income amounts shall be adjusted by the same percentage increase or decrease that is applied to the Minimum Basic Standard of Adequate Care (MBSAC) levels. Such adjustments to the in-kind amounts shall be effective at the same time as adjustments to the MBSAC levels become effective. (Continued)

Authority Cited: Welfare and Institutions Code Sections 10553 and 10554.

Reference: Welfare and Institutions Code Sections 11450, 11452 and 11453.

Amend Sections 44-133.3, .6, .9, .93 and .931 to read:

44-133 TREATMENT OF INCOME -- AFDC (Continued)

44-133

.3 Income in Cases in Which a Parent or Child ~~Has~~ ~~Been~~ Excluded from the Assistance Unit

.33 (Continued)

.331 (Continued)

.332 Determine MBSAC plus any verified recurring special needs for the AU and the excluded persons.

(a) From that amount, subtract the MBSAC plus any verified recurring special needs for the AU.

(b) The maximum amount allowed for recurring special needs for the excluded parent or child shall not exceed \$10.

(c) This subsection does not apply when an excluded parent or child is included in a stepparent unit (See Section 44-133.6) or in a senior parent unit (see Section 44-133.7).

.333 (Continued)

HANDBOOK BEGINS HERE

.334 Example:

A parent with earned income is excluded from the assistance unit which consists of three children. Monthly gross income is \$350. Assume MAP for 3 is \$663, MBSAC for 3 is \$694, MAP for 4 is \$788 and MBSAC for 4 is \$824.*

\$350

- 90

\$260

Gross Income

Standard Work Expense

Disregard

Net Income

\$824*	MBSAC for 4
+ 9	Verified Special Need (for
	excluded person)
\$833	MBSAC + Special Needs for 4
833*	MBSAC for 4 + special needs
-694*	MBSAC for 3
\$139	MBSAC Differential
\$260	Net Income
-139	MBSAC + Special Needs
	Differential
\$121	Income to the Assistance
	Unit
\$694*	MBSAC for 3
-121	Income to the Assistance
	Unit
\$573	Potential Grant Amount
\$663*	MAP for 3
<\$573	Less than or Equal to MAP
\$573	GRANT AMOUNT

*The MBSAC and MAP amounts are subject to change. See Handbook Section 44-315.311 for currently applicable amounts.

.335 (Continued)

HANDBOOK ENDS HERE

.336 (Continued)

.4 (Continued)

.5 (Continued)

.6 Income In Cases Where ~~A~~^{Alien} Stepparent ~~Ø~~^{or} Ineligible ^AParent Resides In The Home (Continued)

.61 (Continued)

.62 (Continued)

.63 Computation of Income to the Assistance Unit

.631 (Continued)

HANDBOOK BEGINS HERE

.632 Example: Stepparent Income to the AU

Computation Factors

- Stepparent unit consists of 1 person (stepparent).
- AFDC-AU consists of 5 persons (the mother and mother's 4 children).
- Stepparent earns \$800 within the month from full-time employment.
- Stepparent pays \$100 per month child support to his/her daughter who resides with the stepparent's ex-spouse.
- No other payments are made by the stepparent to persons living outside the home.

Computation

\$800	gross income
<u>- 90</u>	less standard work expense disregard
\$710	
<u>-100</u>	less child support paid
\$610	net income
\$610	net income
<u>-341*</u>	less MBSAC for stepparent unit (1 person)
\$269	stepparent income to the AU
\$940*	MBSAC for AFDC-AU (5 persons)
<u>-269</u>	less stepparent income to the AU
\$671	Potential Grant

\$899*
<\$671

MAP for 5
Potential Grant is Less than or Equal to MAP

\$671

GRANT AMOUNT (The grant amount is the same as the potential grant rather than the MAP amount because the potential grant is less than the MAP)

*The MBSAC and MAP amounts are subject to change. See Handbook Section 44-315.311 for currently applicable amounts.

.633 .(Continued)

HANDBOOK ENDS HERE

.7 Income in Cases Where the Senior Parents or Legal Guardians Reside in the Home with a Minor Parent (Continued)

.75 Computation of Income to the Assistance Unit. (Continued)

HANDBOOK BEGINS HERE

.754 Example: Senior Parents' Income to the Assistance Unit

Computation Factors

- Senior Parent Unit consists of two senior parents and one child (the parents and a sibling of the minor).
- AFDC assistance unit (AU) consists of a minor parent and an aided child.
- One senior parent earns \$690 within the month from full-time employment.
- One senior parent earns \$200 within the month from part-time employment.
- No payments are made by the senior parents to persons living outside the home.

Computation

\$690	Gross income of senior parent employed full time.
<u>- 90</u>	Less work expense disregard
\$600	
\$200	Gross income of senior parent employed part time
<u>- 90</u>	Less work expense disregard
\$110	
\$710	Net income of both senior parents
<u>-694*</u>	Less MBSAC for Senior Parent Unit (3 persons)
\$ 16	Senior parent's income to AU
\$560*	MBSAC for AU of 2 (minor parent and aided child)
<u>- 16</u>	Less senior parent's income to AU
\$544	Potential Grant

\$535*
<\$544

MAP for AU of 2
Potential Grant is More Than MAP for
2

\$535

GRANT AMOUNT (MAP for 2)

*The MBSAC and MAP amounts are subject to change. See
Handbook Section 44-315.311 for currently applicable
amounts.

HANDBOOK ENDS HERE

.76 (Continued)

HANDBOOK BEGINS HERE

.77 (Continued)

.78 (Continued)

HANDBOOK ENDS HERE

.8 (Continued)

.9 Income in ~~C~~ases ~~W~~here the ~~S~~Spouse of an ~~A~~Aided ~~M~~Married ~~C~~Child ~~R~~esides in the ~~H~~Home and is ~~E~~Excluded ~~f~~From the AU/ (Continued)

.91 (Continued)

.92 Determine MBSAC plus any verified recurring special needs for the AU including the spouse.

.921 From the amount subtract the MBSAC plus any verified recurring special needs for the AU excluding the spouse.

.922 The maximum amount allowed for any recurring special needs for the spouse shall not exceed \$10.

.93 Subtract the figure determined in Section 44-133.92 from the income determined in Section 44-133.91. The remaining amount is income to the AU.

HANDBOOK BEGINS HERE

.931 Example:

A spouse of an aided married child resides with the AU which consists of three people.

The spouse's monthly gross earned income is \$350. Assume the MAP for 3 is \$663, the MBSAC for 3 is \$694, the MAP for 4 is \$753, and the MBSAC for 4 is \$824.

\$350	Gross Income
<u>- 90</u>	Standard Work Expense
	Disregard
\$260	Net Income
\$824*	MBSAC for 4
<u>+ 9</u>	Special Need for Excluded Person
\$833	MBSAC for 4 + Special Need
\$833*	MBSAC for 4 + Special Need
<u>-694*</u>	MBSAC for 3
\$139	Difference in MBSACs

\$260	Net Income
<u>-139</u>	Difference in MBSACs +
\$121	Special Needs
	Income to AU
\$694*	MBSAC for 3
<u>-121</u>	Income to AU
\$573	Potential Grant
\$663*	MAP for 3
>\$573	Potential Grant is Less than
	MAP for 3
\$573	GRANT AMOUNT

*The MAP and MBSAC amounts are subject to change. See Handbook Section 44-315.311 for the current MAP and MBSAC values for the appropriate size AU.

HANDBOOK ENDS HERE

.10 (Continued)

Authority Cited: Sections 10553, 10554, and 10604, Welfare and Institutions Code.

Reference: Sections 10553, ~~10604~~ 10554, 10604, 11450, 11452, and 11453, Welfare and Institutions Code; ~~and~~ 45 CFR 233.20(a)(1)(i); 45 CFR 233.20(a)(3)(vi)(B) and (xiv); and 45 CFR 233.90(c)(2)(i).

Correct Handbook Section 44-315.38 (Computation #1) and .5 to read:

44-315 AMOUNT OF AID

44-315

.1 Definitions

These definitions are specific to and for purposes of this section.

.11 Net Nonexempt Income

"Net Nonexempt Income" means all earned and unearned income less applicable disregards.

HANDBOOK BEGINS HERE

[See Chapter 44-100 to determine net nonexempt income.]

HANDBOOK ENDS HERE

.12 Grant Amount

"Grant Amount" means the amount of AFDC which is to be paid to the AU for a given month.

.13 Potential Grant

"Potential Grant" means the subtotal after the net nonexempt income is subtracted from the MBSAC plus special needs. The potential grant may equal the grant amount if the potential grant is equal to or less than the MAP.

.2 County Responsibility

The county is responsible for computing the amount of aid payment when:

.21 Granted

Aid is granted or restored;

.22 Redetermination

A redetermination of eligibility is made;

.23 Change

There is a change in need, income or other factors affecting the amount of aid to which the recipient is eligible.

.3 Amount of Grant

The county shall calculate the amount of grant as follows:

.31 MBSAC

Determine the Minimum Basic Standard of Adequate Care (MBSAC) for the AU in the payment month. The MBSAC and MAP are set forth in Welfare and Institutions Code Sections 11450 and 11452.

HANDBOOK BEGINS HERE

- .311 Effective September 1, 1991, MBSAC and MAP levels established in Welfare and Institutions Code Sections 11450 and 11452 are:

<u>Size of AU</u>	<u>MBSAC</u>	<u>MAP</u>
1	\$ 341	\$ 326
2	560	535
3	694	663
4	824	788
5	940	899
6	1,057	1,010
7	1,160	1,109
8	1,265	1,209
9	1,371	1,306
10 or more	1,489	1,403

For MBSAC add fourteen dollars (\$14) for each additional needy person.

HANDBOOK ENDS HERE

- | | | |
|-----|--------------------------|---|
| .32 | Add Special Need Payment | Add any special need payment amounts for the AU to the MBSAC. |
| .33 | Net Nonexempt Income | Round to the next lower dollar the net nonexempt income from the budget month including in-kind income. |

HANDBOOK BEGINS HERE

(See Chapter 44-100 for computing net nonexempt income.)

HANDBOOK ENDS HERE

- | | | |
|-----|---------------------------|--|
| .34 | Potential Grant. | Subtract the net nonexempt income amount from the MBSAC plus special need for the AU. This is the potential grant amount. |
| .35 | MAP | Determine the Maximum Aid Payment (MAP) for the AU. The MAP and MBSAC are set forth in Welfare and Institutions Code Sections 11450 and 11452. |
| .36 | Add Special Need Payments | Add any special need payments for the family to the MAP. |
| .37 | Actual Grant Amount | The actual grant amount is the lesser of the potential grant amount or the sum of the MAP plus special needs. |

HANDBOOK BEGINS HERE

.38 Examples:

Computation #1 Factors

An AU of 4 has net nonexempt income in the amount of \$25. The AU has special needs in the amount of \$10. Assume the MBSAC for the AU is \$824 and the MAP for the AU is \$788.

Computation #1

\$824	MBSAC for 4
+ 25 10	Special Need Amount
<u>\$849</u> 34	MBSAC + Special Need
- 25	Net Nonexempt Income
<u>\$824</u> 09	Potential Grant
\$788	MAP for 4
+ 10	Special Need Amount
<u>\$798</u>	MAP + Special Need
\$798	MAP for 4
< <u>\$824</u> 09	Potential Grant is More than MAP + Special Need
\$798	GRANT AMOUNT

Computation #2 Factors

The AU consists of 5 members. The AU has net nonexempt income in the amount of \$945. The AU has special needs in the amount of \$20. Assume that the MBSAC for the AU is \$940 and the MAP for the AU is \$899.

Computation #2

\$940	MBSAC for 5
+ 20	Special Need for AU
<u>\$960</u>	MBSAC + Special Need
-945	Net Nonexempt Income
<u>\$ 15</u>	Potential Grant
\$899	MAP for 5
+ 20	Special Need Amount
<u>\$919</u>	MAP + Special Need
\$919	MAP for 5 + Special Need
> \$ 15	Potential Grant is Less than MAP + Special Need
\$ 15	GRANT AMOUNT

HANDBOOK ENDS HERE

.4 Special Needs

The amount of the Special Needs shall be calculated as follows:

.41

(Continued)

.42

(Continued)

.43

(Continued)

.44

(Continued)

.45

(Continued)

.46

(Continued)

.5 \$10 or More

If the amount determined in Section 44-315.37 is less than ten dollars (\$10), no payment shall be paid for that month. If the beginning date of aid is after the first of the month, and the amount of aid determined in Section 44-315.37 is to be prorated, and the prorated amount is less than ten dollars (\$10), no payment shall be paid for that month. Such cases shall be considered to have received a payment for all other purposes.

If the amount determined in Section 44-315.37 is ten dollars (\$10) or more, that amount is the total grant and, if there are no overpayment adjustments, shall be authorized as the aid payment.

.6 Payment in
Installments

(Continued)

.7 Proration of
AFDC-FG/U Grant

(Continued)

.71

(Continued)

.72

(Continued)

.721

Determine the total monthly grant amount (see Section 44-315.37);

.722 (Continued)

.723 (Continued)

.724 (Continued)

.725 (Continued)

.726 If the prorated grant amount is not a whole dollar, then the prorated amount shall be rounded to the next lower whole dollar. (See Section 44-315.5 if this amount is less than ten dollars.)

HANDBOOK BEGINS HERE

.73 (Continued)

HANDBOOK ENDS HERE

.8 (Continued)

.9 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11017, 11450, 11452, and 11453, Welfare and Institutions Code.

Correct Handbook Section 44-352.125 (Example 2.) to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 Calculation of the Overpayment (Continued)

.12 Overpayment due to income or need or circumstances other than excess property. (Continued)

.125 The total overpayment is the sum of all amounts calculated in Section 44-352.124.

HANDBOOK BEGINS HERE

EXAMPLES

Factors	Computations		
	Aid Paid	(.121) Correct Grant	(.122) Potential/Actual Overpayment
1. MAP	\$663		
MBSAC	\$694	\$694	
Reported Income	-0		
Actual Income		<u>-200</u>	
AID PAID [(Lesser of 1) (\$694 - 0 = \$694 or 2) \$663 is \$663]	\$663		\$663
CORRECT GRANT [(Lesser of 1) \$694 - \$200 = \$494 or 2 \$663 is \$494 (.121)]		\$494	<u>\$494</u>
Support Payment (.123)	<u>-\$100</u>		
Unreimbursed Grant [Aid Paid less Support Payment]	\$563		
POTENTIAL OVERPAYMENT [Aid Amount less Correct Grant (.122)]			\$169
ACTUAL OVERPAYMENT [Lesser of Unreimbursed Grant \$563 or Estimated Overpayment \$169]			\$169

2.	MAP	\$535		
	MBSAC	\$560	\$560	
	Reported Income	<u>\$104</u>		
	Actual Income		<u>-305</u>	
	AID PAID [(Lesser of 1)	\$7456		\$7456
	(\$560 - 0 = \$560 or 2)			
	\$538 is \$538]			
	CORRECT GRANT [(Lesser of 1)		\$255	<u>\$255</u>
	\$560 - \$305 = \$255 or 2			
	\$538 is \$7456 (.121)]			
	Support Payment (.123)	<u>-\$275</u>		
	Unreimbursed Grant [Aid Paid	<u>\$181</u>		
	less Support Payment]			
	POTENTIAL OVERPAYMENT [Aid			\$1201
	Amount less Correct Grant			
	(.122)]			
	ACTUAL OVERPAYMENT [Lesser			\$181
	of Unreimbursed Grant \$181			
	or Estimated Overpayment \$1201]			

HANDBOOK ENDS HERE

- .2 (Continued)
- .3 (Continued)
- .4 (Continued)
- .5 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11017, 11450, 11452, and 11453, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

APPROVAL

DEC 13 1991

At 4:27 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-1119-07



MARY GARCIA
Director

12/13/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-80)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
	Z-91-0620-01	91-119-01C	91-0717-02E	

For use by Office of Administrative Law (OAL) only

NOTICE	REGULATIONS
AGENCY	AGENCY FILE NUMBER (If any)
State Department of Social Services	RDB #0591-23

1991 NOV 19 AM 8 52

ENDORSED

DEC 17 1991

Office of Administrative Law

REGULATIONS

APPROVED

FILED
In the office of the Secretary of State
of the State of California

DEC 18 1991

At 4:21 o'clock P. M.

MARCH FONG EU, Secretary of State

Ann M. Manassero
Deputy Secretary of State

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified	<input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91, #29-2	PUBLICATION DATE 7-5-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT	Section 63-004
	AMEND	Section 63-501
	REPEAL	Section 63-502
TITLE(S) MPP		

2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

October 5, 1991 through October 21, 1991 Section 63-501.3(k) (16) (A) and (B)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
--	---	--

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

6. CONTACT PERSON Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER 657-2586
--	------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
John D. Healy, Interim Director

DATE

11/15/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-80) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

- .1 Sections 63-501.11, 501.111, 501.3 (k) and 502.2 (m), as amended herein, shall become effective August 1, 1991.
- .2 The amended provisions in 63-004 shall be implemented as follows:
 - .21 Beginning August 1, 1991, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
 - .22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or January 1, 1991, whichever occurred later.
 - .23 For a household that applied for benefits from January 1, 1991 until July 31, 1991 and was denied due to excess resources as a result of the receipt of lump sum EITC payments, the household is entitled to restored benefits back to January 1, 1991 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.

Authority Cited: Sections 10553, 10554 and 11209, Welfare and Institutions Code.

Reference: Public Law 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

The CWD shall apply the uniform national resource standards of eligibility to all applicant households, except as provided by Section 63-501.8.

.1 Definition of Resources

In determining the resources of a household, the following shall be included and documented by the CWD in sufficient detail to permit verification.

.11 Liquid resources, such as cash on hand, money in checking or savings accounts, savings certificates, trust deeds, notes receivable, stocks or bonds, non-recurring lump sum payments, funds held in individual retirement accounts (IRAs) and funds held in accessible Keogh plans.

.111 A non-recurring lump sum payment includes, but is not limited to, income tax refunds, rebates or credits; retroactive lump-sum social security, railroad retirement benefits, or other payments; retroactive payments from the approval of an application for any assistance program; court ordered retroactive payments for any assistance program; supplemental or corrective payments received for a previous month from any assistance program; lump-sum insurance settlements; or refunds of security deposits on rental property or utilities. These payments shall be counted as resources in the month received, unless specifically excluded from consideration as a resource by other Federal law in accordance with Sections 63-501.3 (k) or 63-501.3 (l).
(Continued)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

Amend Section 63-501.3(k)(16) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions from Resources

In determining the resources of a household, only the following shall be excluded:

(a) through (j) (Continued)

(k) Resources which are excluded for food stamp purposes by federal statute. The following is a listing of some of the resources excluded by federal statute:

(1) through (15) (Continued)

(16) Earned Income Tax Credit (EITC) payments received by individuals as an advance payment or in the form of a lump sum. These payments are excluded for the month of receipt and the following month. (Public Law 101-508)

A. If the pay stub does not indicate an EITC advance payment was received, no further action is required.

B. If it is unclear from the pay stub what amount of EITC advance payment the recipient received, the CWD shall obtain clarification from the recipient and contact the employer if necessary to obtain the amount.

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

.2 Income Exclusions. Only the following items shall be excluded from household income:

(a) through (l) (Continued)

(m) (1) and (2) (Repealed with OAL File No. 91-0717-02E)

Authority Cited: Sections 10553, 10554, 11209 and 18904, Welfare and Institutions Code.

Reference: Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P.L. 100-77, and 7 CFR 273.7(f), 7 CFR 273.9(c)(iv)(B), 7 CFR 273.9(d)(4), 273.9(d)(6)(vii), and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb. 1, 1990) _____ F. Supp. _____ [Dock No. CV-89-0768]); P.L. 101-508, Section 11111(b); 26 U.S.C. 32(j)(5); and U.S.D.A. Food and Nutrition Service Administrative Notice 91-30.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

RECEIVED
In the Office of the Director of L. to
of the State of California

DEC 18 1991

At 4:21 o'clock P. M.
MARCELO FORGUE, Secretary of State
Am M. Manassero

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-1119-01



MARZ GARCIA
Director

12/18/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0723-01	REGULATORY ACTION NUMBER 91-1127-05C	EMERGENCY NUMBER 91-0702-03E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 NOV 27 PM 1:18

OFFICE OF
ADMINISTRATIVE LAWENDORSED
APPROVED FOR FILING

DEC 17 1991

NOTICE

REGULATIONS

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB# 0591-19

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91-1127-05C	PUBLICATION DATE 8-2-91	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT Section 40-012
	AMEND Section 44-211.5
TITLE(S) MPP	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☐ Emergency (Gov. Code, § 11346.1(b))
☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

November 1, 1991 through November 18, 1991 Section 44-211.5

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) January 1, 1991

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal
☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
 TYPED NAME AND TITLE OF SIGNATORY
 John D. Healy, Interim Director

DATE

11/26/91

40-012 IMPLEMENTATION OF AMENDMENTS TO THE HOMELESS ASSISTANCE
SPECIAL NEED

40-012

- .1 This regulatory action which consists of adopting, amending and repealing language in Section 44-211.5 shall begin with requests for Homeless Assistance received on or after August 1, 1991 in order to comply with Welfare and Institutions Code Sections 11271, 11272, and 11450 (Chapter 97, Statutes of 1991).

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10850, 11271, 11272, and 11450(f)(2), Welfare and Institutions Code; and 45 CFR 205.50, 45 CFR 206.10(a)(1)(ii), and 45 CFR 206.10(a)(8).

Amend Section 44-211.5 to read:

44-211 SPECIAL NEEDS IN AFDC (Continued)

44-211

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing.
(Continued)

.5143 An AU is eligible for the nonrecurring special need payment for homeless assistance for one incident of homelessness in a consecutive 24-month period. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued.

(a) (Continued)

(b) The incident of homelessness and the 24-month period begins in the month in which the first homeless assistance payment is issued.

(c) The incident of homelessness ends when the AU receives the payment for permanent housing or the 24-month period expires, whichever occurs first.

HANDBOOK BEGINS HERE

(1) Example:

On January 1, 1990, an AU received temporary shelter benefits. The AU requests permanent housing benefits on April 1, 1991. The county determines the AU is eligible for permanent housing benefits and the payment of the permanent housing benefits completes the incident of homelessness begun in January 1990.

HANDBOOK ENDS HERE

.5154 An otherwise eligible AU that has received a homeless assistance payment within the preceding 24 months may be eligible to receive a new homeless assistance payment under the following conditions: (Continued)

1516 When homeless assistance has been granted under MPP 44-211.5/ the beginning date of aid is the date of the first homeless assistance payment!

.5175 (Continued)

.5186 The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in Section 44-211.5187 exist. (Continued)

.5197 The county shall make restricted payments when the county establishes a finding of mismanagement of AFDC cash assistance. A restricted payment is a direct vendor or two-party payments to a providers of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness when the CWD establishes a finding of mismanagement of AFDC cash assistance.

(a) Mismanagement exists only when:

- (1) The county determines that the homeless assistance payment was not used for shelter; or
- (2) The AU fails to provide verification that the temporary shelter payment was spent on shelter and/or as required under Sections 44-211.524(1) and 44-211.532(c) for permanent housing; or
- (3) The AU provides verification which shows the homeless assistance payment was not paid to a provider who is a commercial establishment, etc., as specified in Section 44-211.526.
- (4) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
 - (A) A rent increase which results in the AU's rent or share of the rent being over 80 percent of the maximum aid payment, without special needs, for an AU of that size.
 - (B) Reasonable exercise of a tenant's right to withhold rent for cause.
 - (C) Domestic violence by a spouse, partner, or roommate.

(b) The CWD shall do all of the following when restricted payments are provided to an AU:

- (1) Issue the ~~vendor or two-party~~ payment by one of the following methods, at the discretion of the CWD:
 - (A) Mail or delivery to the AU for delivery to the service provider.

(B) Mail or delivery directly to the service provider.

(2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:

(A) Providing each family with informational materials.

(B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment may be available no more than once in 24 months to a homeless AU for temporary shelter, when the AU is also seeking permanent housing. (Continued)

.522 An AU is not eligible to receive the temporary shelter payment if it has already been granted permanent housing assistance during the 24-month period described in MPP 44-211.5143 except:

(a) An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter 16-consecutive-day limit has not expired.

.523 (Continued)

.524 An AU determined to be homeless may be eligible for up to 16 consecutive days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.

(a) The 16-consecutive-day period begins on the first day for which a temporary shelter payment is provided to an AU.

(b) The AU must request all temporary shelter assistance before the end of the 16-consecutive-day limit.

(c) The AU must provide verification of shelter expenditures and a housing search to receive reimbursement for temporary shelter assistance for expenses incurred within the 16-day period.

- (d) Unless homelessness has been verified, an initial temporary shelter payment shall be issued for up to three working days/ plus any nonworking days that are bracketed by the working days. If homelessness has been verified, payments are issued in accordance with Section 44-211.524(f) which permits an extension of benefits.

HANDBOOK BEGINS HERE

(1) EXAMPLE:

An AU requests temporary shelter on a Thursday. The following Monday is a national holiday and the CWD will be closed. The CWD ~~will~~ may issue temporary shelter benefits for six days to pay for Thursday through Tuesday nights' shelter.

HANDBOOK ENDS HERE

- (de) The CWD shall verify the family's homelessness within the first three working days.

- (1) The CWD shall refer the AU to its early fraud prevention and detection unit for assistance in the verification of homelessness when the AU meets the criteria outlined in Section 20-003.2 or 20-005.322.
- (2) Other than referrals made pursuant to Section 44-211.524(de)(1), the CWD shall obtain the AU's consent for the release of information to verify homelessness.
- (3) If the CWD is unable to verify that the AU is homeless, the AU must complete and sign a statement under penalty of perjury which includes the following information:
 - (A) A statement of liability for providing false information.
 - (B) Name, address and telephone number of previous landlord.
 - (C) Location where the AU is currently staying.

(ef) An extension of benefits beyond the three-day limit
~~and~~ After homelessness has been verified, benefits shall be
issued on a weekly basis thereafter up to seven days for a
maximum total of 16 consecutive calendar days. An
extension of benefits beyond the initial payment shall be
based upon:

- (1) The CWD's verification of the AU's homelessness within the first three working days.
- (2) The AU's continuing need for temporary shelter benefits.
- (3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.

(A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.

(i) Other than cases of suspected fraud handled by the fraud unit, when the county chooses to make a collateral contact to verify housing search, the CWD must obtain the AU's consent.

(B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing. An AU may contact prospective landlords in person, by telephone, or in writing.

HANDBOOK BEGINS HERE

(i) EXAMPLE

An AU requests temporary shelter benefits on a Monday and is issued three days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated

with the housing search requirement in Section 44-211.524(~~ef~~)(3)(B), and issue up to seven more days of temporary shelter benefits.

HANDBOOK ENDS HERE

- (ii) Good cause for not searching for permanent housing includes, but is not limited to, the following situations:
- a. The CWD determines that the AU, to the extent it is capable, has made a good faith but unsuccessful effort to find permanent housing while receiving temporary shelter benefits, or
The AU does not have access to a telephone, either through having one itself, or through a friend, shelter or accessible public place, and the AU also has no transportation and is living in a rural setting that makes public transportation unfeasible.
 - b. The permanent housing located by the AU will not be is not yet available for occupancy.
- (C) Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524(~~ef~~)(3)(B) regarding housing search.
- (D) If the AU is not issued temporary shelter benefits because the CWD is unable to verify its homelessness due to failure to cooperate, AU has not met the housing search requirement, as outlined in Section 44-211.524(~~ef~~)(3)(B), but subsequently the AU meets the requirements, the AU shall continue to receive temporary shelter benefits as otherwise eligible. No payment shall be issued for those days during which noncooperation existed.

17(g)

(Continued)

12) Failure to provide verification shall constitute mismanagement. See Section 44-211.518(a)(2) and subsequent homeless assistance payments shall be made in accordance with Section 44-211.518.

.525 (Continued)

(a) (Continued)

(b) (Continued)

(1) (Continued)

HANDBOOK BEGINS HERE

(2) Effective February 1, 1988, the amount for the fifth and each additional member of an AU shall be \$7.50. See MPP 44-211.523.

HANDBOOK ENDS HERE

1513 .526

The CWD shall only make payment if the In order for the homeless assistance program to be available to meet shelter costs, the AU shall use a provider of housing who is a commercial establishment, shelter, publicly funded transitional housing, or person in the business of renting properties who has a history of renting properties.

(a) When the AU fails to pay a provider in accordance with this requirement, the county shall follow the overpayment requirements in Sections 44-350 through 44-353 and the restricted payment provisions of Section 44-211.517.

HANDBOOK BEGINS HERE

(1) Example:

The AU receives three days of temporary shelter assistance in the amount of \$90. On the fourth day, the AU returns to the CWD for an extension of benefits. The AU provides a receipt that shows payment was made on two nights at XYZ Motel in the amount of \$75. The AU provides a receipt that shows on the third night the AU stayed with a friend who is not in the business of providing shelter and paid the friend \$15. The county determines that the third night the

AU failed to pay a provider in accordance with this requirement. The county establishes that there is a \$15 overpayment and the subsequent payment is made as a restricted payment.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$90. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

(3) Example:

The AU receives \$90 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$100 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

HANDBOOK ENDS HERE

.53 (Continued)

.531 (Continued)

.532 (Continued)

(a) (Continued)

(b) (Continued)

(c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.

(d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:

(1) The amount expended for permanent housing within 30 calendar days of having received the permanent housing assistance payment.

(2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.

117 (e) Should the recipient fail to provide verification, the county shall make a determination as to whether the payment was used for permanent housing rented from a commercial establishment or a person in the business of renting properties.

117 (1) A determination that the payment was not used for permanent housing or used to pay a commercial establishment or a person in the business of renting properties shall result in an overpayment.

.533 (Continued)

.534 (Continued)

.535 If due to an emergency, an AU must move within the 24-month time limit specified in MPP 44-211.5143, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

(a) An emergency cannot result from an intentional act on the AU's part.

(b) If the CWD determines that the transfer was within the 24-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.536 (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 11450(g), Welfare and Institutions Code.

Reference: Sections 11266(a)(2), 11271, 11272, 11450(a)(1), (b), and (c), 11450(f)(2) and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(13), and 45 CFR 234.60(a)(2)-(11).

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
In the Secretary of State's Office

DEC 18 1991

At 4:21 o'clock P.M.
MARCE FONG EU, Secretary of State
By Ann M. Manassero

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-1127-05

May Garcia

MARZ GARCIA
Director

12/18/91

NOTICE PUBLICATION/REGULATION

IS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-1118-05	REGULATORY ACTION NUMBER 91-1213-04E	EMERGENCY NUMBER	REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

NOTICE	<p>1991 DEC 13 PM 12:49</p> <p>OFFICE OF ADMINISTRATIVE LAW ENDORSED APPROVED FOR FILING</p> <p>DEC 20 1991</p> <p>Office of Administrative Law REGULATIONS</p>
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AGENCY State Department of Social Services	AGENCY FILE NUMBER (if any) RDB #0991-47
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A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	ACTION ON PROPOSED NOTICE	NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT Chapter 20-350, Sections 20-351, 352, 353, 354, and 355; 40-131.3(t); 44-133.31(f); 82-301(i)(1); Chapter 82-600, Section 82-620; and 82-832.28.
TITLE(S)	AMEND Sections 40-181.1(e)(1) and 44-352.51.
MPP	REPEAL

2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input checked="" type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input type="checkbox"/> Effective on filing with Secretary of State	<input checked="" type="checkbox"/> Effective other (Specify) January 1, 1992
--	--	---

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
---	--	---

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy

TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

DATE

12/6/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READoption

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Chapter 20-350 and Section 20-351 to read:

20-350 Intentional Program Violations (IPV) in the AFDC Program

20-350

20-351 Definitions

20-351

For purposes of this section the terms defined below apply to the AFDC Program.

- a. (1) Administrative disqualification hearing - means a hearing established to determine IPV as defined in 42 U.S.C. 616(b), Welfare and Institutions Code Section 11486 and 45 CFR 235.113.
- b. (Reserved)
- c. (Reserved)
- d. (1) Deferred adjudication - means those cases:
 - (a) In which a determination of guilt is not obtained from a court due to the applicant/recipient having met the terms of a court order; or
 - (b) Which are not prosecuted due to the applicant/recipient having met the terms of an agreement with the prosecutor.
- (2) Disqualification Consent Agreement - is form ABCD 478(A) (1/92).
- (3) Disqualification penalties - means that period of time where the individual found to have committed IPV is deemed ineligible for participation, when otherwise eligible.
- (4) Disqualified Recipient Report - is form DPS 524 (1/92).
- e. through h. (Reserved)
- i. (1) Intentional Program Violation (IPV) - "IPV" means an Intentional Program Violation, which is a determination made by a state or federal court, or pursuant to a special administrative hearing, that an individual has intentionally:
 - (a) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or
 - (b) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and
 - (c) Committed these acts to establish or maintain AFDC eligibility, or to increase or prevent a reduction in the amount of the AFDC grant.

Adopt Sections 20-3

20-352 County Resp

.1 Investigation

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.2 Disqualificati

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j. through m. (Reserved)

n. (1) Notice of Administrative Disqualification - is form

o. through z. (Reserved)

Authority Cited: Sections 10553 and 10554, Welfare and Institu

Reference: 7 CFR 273.16(h); Section 11486, Welfare and
and U.S. Department of Health and Human Ser
Transmittal No. FSA-AT-88-12, dated May 31, 1

j. through m. (Reserved)

n. (1) Notice of Administrative Disqualification - is form ABCD 239.7A (1/92).

o. through z. (Reserved)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 7 CFR 273.16(h); Section 11486, Welfare and Institutions Code;
and U.S. Department of Health and Human Services, AFDC Action
Transmittal No. FSA-AT-88-12, dated May 31, 1988.

Adopt Sections 20-352 and 20-352.1 through .3 to read:

20-352 County Responsibilities

20-352

.1 Investigation and Referral

The county welfare department's (CWD's) Special Investigative Unit (SIU) shall be responsible for:

.11 Investigating any case of alleged IPV.

.12 Establishing criteria for prioritizing cases to be assigned for investigation and prosecution.

HANDBOOK BEGINS HERE

.121 The SIU may confer with the local prosecuting authority to establish the criteria required in Section 20-352.12 above.

HANDBOOK ENDS HERE

.13 Filing a request for a complaint with the prosecuting authority as provided in Section 20-007.3 in those cases in which it appears that clear and convincing evidence exists to substantiate the allegation of IPV.

.2 Disqualification Consent Agreement

The CWD shall have the option of allowing accused individuals to sign Disqualification Consent Agreements for cases of deferred adjudication.

.21 CWDs using the Disqualification Consent Agreements shall conform to the following requirements:

.211 Advance written notification shall be sent to the accused individual of the assistance unit which informs him/her of the consequences of consenting to disqualification. This written notification shall include, at a minimum, the following:

(a) A statement for the accused individual to sign that he/she understands the consequences of consenting to disqualification.

(b) A statement that consenting to disqualification will result in disqualification and a reduction in benefits for the period of the disqualification, even though the accused individual was not found guilty of civil/criminal misrepresentation or fraud.

(c) A warning of the disqualification penalties which could be imposed (as provided in Section 20-353.1) and a statement of which penalty shall be imposed as a result of the accused individual having consented to disqualification.

(d) A statement that any remaining assistance unit members shall be held responsible for repayment of the resulting overpayment, unless the accused individual has already repaid the overpayment.

.212 The Disqualification Consent Agreement shall contain statements indicating whether the accused individual wishes to admit that facts as presented are correct. Those statements shall be worded as follows:

(a) I admit to the facts as presented and understand that a disqualification penalty shall be imposed if I sign this Disqualification Consent Agreement.

(b) I do not admit that the facts as presented are correct. However, I have chosen to sign this Disqualification Consent Agreement and understand that a disqualification penalty shall result.

.213 After an accused individual has signed a Disqualification Consent Agreement and a disqualification penalty has been imposed, no further administrative appeal procedure exists.

(a) The disqualification penalty cannot be changed by a subsequent Administrative Disqualification Hearing or a state hearing decision.

(b) The accused individual, however, shall be entitled to seek relief in a court having appropriate jurisdiction.

.3 The CWD shall not initiate an administrative disqualification hearing against an accused individual whose case is currently being referred for prosecution or subsequent to any action taken against the accused individual by the prosecutor or court of appropriate jurisdiction, if the factual issues of the case arise out of the same or related circumstances.

.4 Notice of Administrative Disqualification

.41 The CWD shall mail a Notice of Administrative Disqualification to the accused individual if:

.411 The administrative disqualification hearing or the court finds that the accused individual committed IPV, or

.412 The accused individual has signed a Disqualification Consent Agreement or an Administrative Disqualification Hearing Waiver.

.42 The CWD shall send prior to the disqualification action, a Notice of Administrative Disqualification to the accused individual.

.421 The notice shall inform the accused individual of the decision, the reason for the decision, and the date the disqualification will take effect.

.422 If the accused individual is no longer on aid, the notice shall inform the individual that the period of disqualification will be deferred until the individual reapplies and is determined eligible for benefits.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; U.S. Department of Health and Human Services, AFDC Action Transmittal No. FSA-AT-88-12, dated May 31, 1988; and 7 CFR 273.16(a), (e), (g), and (h).

Adopt Section 20-353 and Sections 20-353.1 through .8 to read:

20-353 Disqualification Penalties

20-353

- .1 Individuals found to have committed an IPV either through an administrative disqualification hearing or by a court of appropriate jurisdiction shall be ineligible to receive AFDC benefits as follows:
 - .11 Six months for the first violation.
 - .12 Twelve months for the second violation.
 - .13 Permanently for the third violation.
- .2 The disqualification penalties shall apply only to individuals disqualified for acts of IPV which occurred on or after July 1, 1991.
- .3 One or more IPV's which occurred prior to the implementation of these penalties shall be considered as only one previous disqualification when determining the penalty to impose.
- .4 The CWD shall disqualify only the individual(s) found to have committed the IPV.
- .5 If the individual is not eligible for the AFDC program at the time the disqualification period is to begin, the period shall be postponed until the person applies for and is determined eligible for benefits.
- .6 The disqualification of an individual for IPV in one political jurisdiction shall be valid in another.
- .7 The same act of IPV repeated over a period of time shall not be separated so that separate penalties can be imposed.
- .8 If the accused individual is found guilty of an IPV by the court, and the court fails to impose a disqualification penalty, the county shall impose a disqualification period in accordance with the penalties specified in this section, unless contrary to the court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; U.S. Department of Health and Human Services, AFDC Action Transmittal No. FSA-AT-88-12, dated May 31, 1988; 42 U.S.C. 616(b); and 7 CFR 273.16(b), (e)(8), (f)(2), (g)(2), and (i)(4)(A).

Adopt Sections 20-354 and 20-354.1 through .3 to read:

20-354 Time Frames for Imposition of Disqualification Penalties

20-354

.1 By Administrative Disqualification Hearing

If the hearing authority rules that the accused individual has committed an IPV, the CWD shall disqualify the individual beginning with the first month following the date he/she receives the Notice of Administrative Disqualification.

.11 Five days from the postmarked date the Notice of Administrative Disqualification is mailed shall be considered sufficient time for it to have been received by the individual, provided it has not been returned as undeliverable by the post office.

.2 By Court Order

If disqualification is ordered by a court of appropriate jurisdiction, but the date for initiating the disqualification period is not specified, the CWD shall initiate the disqualification within 45 days of the date the disqualification was ordered.

.3 By Disqualification Consent Agreement

If the individual signed the Disqualification Consent Agreement, then the period of disqualification shall begin within 45 days of the date that the consent agreement was signed, unless contrary to a court order.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; and 7 CFR 273.16(e)(8), (g)(2), and (h)(2).

Adopt Sections 20-355 and 20-355.1 through .3 to read:

20-355

20-355 Reporting Requirements

- .1 The CWD shall submit to the State Department of Social Services (SDSS) the Disqualified Recipient Report within 30 days of the date the disqualification took effect, or would have taken effect for a currently ineligible individual whose disqualification is pending future eligibility.
- .2 CWDs shall submit to SDSS a revised Disqualified Recipient Report in the following situations:
 - .21 On those cases where the disqualification was pending future eligibility, and the individual once again becomes eligible and the disqualification penalty is imposed.
 - .22 In cases where the disqualification is reversed by a court of appropriate jurisdiction.
- .3 The CWD shall establish and maintain a disqualification file containing all information received from SDSS concerning individuals who have been disqualified in that county or in another political jurisdiction.
 - .31 The CWD shall use information contained in the disqualification file to:
 - .311 Determine eligibility of applicants prior to granting of aid when the CWD has reason to believe an applicant is subject to disqualification in another jurisdiction.
 - .312 Ascertain the appropriate penalty to impose, based on past disqualification, in a case under consideration.
 - .32 The CWD shall be permitted to use information contained in the disqualification file to:
 - .321 Screen all program applicants prior to granting aid.
 - .322 Match the entire disqualification file against the current caseload.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code; and 7 CFR 273.16(i)(1), (3), (4), (6), and (7).

Adopt Handbook Section at 40-105.14 to read:

40-105 APPLICANT AND RECIPIENT RESPONSIBILITY

40-105

.1 Assuming Responsibility Within His/Her Capabilities (Continued)

.11 through .14 (Continued)

HANDBOOK BEGINS HERE

Failure to comply with these provisions may result in disqualification if the applicant or recipient is found to have committed an IPV.

HANDBOOK ENDS HERE

.15 (Continued)

Adopt Section 40-131.3(t) to read:

40-131

40-131 INTERVIEW REQUIREMENT

.1 and .2 (Continued)

.3 Content of Application Interview

The application interview shall include discussion of the following as pertinent:

a. through s. (Continued)

t. The actions which constitute an IPV and the penalties to be applied to an individual who committed an IPV.

Authority Cited: Sections 10553, 10554, 10604, and 18904, Welfare and Institutions Code.

Reference: Sections 10613, 11209, 11324.8(a), AB 312, Chapter 1568, Statutes of 1990, 11500(b), and 11511(a), Welfare and Institutions Code; 7 USC 2020(i), 7 CFR 273.2(j), 42 U.S.C. 616(f), 682(c)(2), (3) and (4), 45 CFR 250.20, 45 CFR 250.40(a) and (b); 45 CFR 255.1; 45 CFR 256.1(b).

Amend Section 40-181.1(e)(1) and adopt Handbook Section at 40-181.32 to read:

40-181 CONTINUING ACTIVITIES AND DETERMINATION OF ELIGIBILITY

40-181

.1 General County Responsibility

(a) through (d) (Continued)

(e) (Continued)

- (1) Give applicants and recipients at the time of application and at least once every twelve months thereafter complete explanations in writing regarding factors which may cause ineligibility, underpayments or overpayments, disqualifications due to an IPV, and their responsibility to report ~~such~~ changes within five calendar days (Section 40-105.14, Applicant and Recipient Responsibility). The factors which are to be explained shall include changes in income and resources, changes in need, etc. These requirements are met by the use of the CA 2 in AFDC. Verbal explanations shall also be given when necessary to assure understanding. The recipient shall signify his/her understanding of his/her responsibilities in writing. *(Continued)*

.2 (Continued)

.3 Methods of Periodic Determination of Eligibility

.31 and .32 (Continued)

HANDBOOK BEGINS HERE

Failure to comply with the requirements of any periodic determination of eligibility may result in disqualification if the recipient is found to have committed an IPV.

HANDBOOK ENDS HERE

.4 (Continued)

Authority Cited: Sections 11265.1, 10554 and 18904, Welfare and Institutions Code.

Reference: 42 U.S.C. 616(f) and 45 CFR 233.28.

Adopt Section 44-133.31(f) to read:

44-133 TREATMENT OF INCOME - AFDC

44-133

.1 and .2 (Continued)

.3 Income In Cases in which a Parent or Child has been Excluded from the Assistance Unit.

.31 Income shall not be allocated to meet the needs of any parent or child who is required to be included in the filing unit and has been sanctioned or who has failed to cooperate in meeting a condition of eligibility. Actions which are subject to sanction or which constitute a failure to cooperate include, but are not limited to, any one of the following:

(a) through (e) (Continued)

(f) Committing an IPV.

.32 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11450, 11452, ~~and~~ 11453, and 11486 Welfare and Institutions Code and 45 CFR 233.20(a)(3)(vi)(B) and (xiv).

Amend Section 44-352.51 to read:

44-352 OVERPAYMENT RECOUPMENT

44-352

.1 through .4 (Continued)

.5 Referral to Special Investigative Unit (SIU).

HANDBOOK BEGINS HERE

.51 Chapter 20-000 through 20-009 discusses referrals to the Special Investigative Unit and referrals to law enforcement officials. Chapter 20-350 discusses referrals made in cases of alleged IPV.

HANDBOOK ENDS HERE

.511 All overpayments determined to be caused by an applicant's or recipient's failure to report information shall be referred to the SIU, including overpayments caused by an alleged IPV.

.52 (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 11017, 11450, 11452, and 11453, Welfare and Institutions Code.

Adopt Section 82-301(i)(1) to read:

80-301 DEFINITIONS

80-301

The following definitions apply to the regulations in Division 40 through 50 and 80 through 90.

(a) through (h) (Continued)

HANDBOOK BEGINS HERE

(i) (1) Intentional Program Violation (IPV)

"IPV" means an Intentional Program Violation, (See Section 20-351) which is a determination made by a state or federal court, or pursuant to a special administrative hearing, that an individual has intentionally:

(A) Made a false or misleading statement or misrepresented, concealed, or withheld facts; or

(B) Committed any act intended to mislead, misrepresent, conceal, or withhold facts or propound a falsity; and

(C) Committed these acts to establish or maintain AFDC eligibility, or to increase or prevent a reduction in the amount of the AFDC grant.

HANDBOOK ENDS HERE

Adopt Chapter 82-600 and Section 82-620 to read:

82-600 CONDITIONS OF ELIGIBILITY/COOPERATION/SANCTIONS

82-600

82-620 INTENTIONAL PROGRAM VIOLATION (IPV)

82-620

HANDBOOK BEGINS HERE

.1 Penalties

Regulations in MPP Section 20-353 provide that individuals found to have committed an IPV shall be ineligible to receive benefits as follows:

.11 Six months for the first violation.

.12 Twelve months for the second violation.

.13 Permanently for the third violation.

HANDBOOK ENDS HERE

.2 Eligibility Pending an IPV Hearing

The county shall not disqualify an individual until the court or hearing official finds that an IPV has been committed.

.3 Rescinding Disqualification

The county shall reinstate aid only when the findings upon which the sanctions are imposed are reversed by a court of appropriate jurisdiction.

.4 Sanction Time Periods

The disqualification periods themselves shall not be subject to review or revision.

.5 No substitutions

Any sanctions that the county imposes for an IPV shall be in addition to, not in substitution for, any other court imposed penalties for the IPV-related offenses.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Section 11486, Welfare and Institutions Code.

Adopt Section 82-832.28 to read:

82-832 EXCLUDED PERSONS (Continued)

82-832

.2 Sanctioned Persons

A person excluded from the AU due to a sanction is:

.21 through .27

(Continued)

.28 IPV

An applicant or recipient who has been disqualified for committing an IPV.

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: 45 CFR 205.52, 45 CFR 206.10(a)(5)(i), 45 CFR 232.12(d), 45 CFR 233.10(a)(1)(i), (a)(1)(i)(B), and (a)(3), 45 CFR 233.20(a)(1)(i), (a)(3)(ii)(C) and (F), and (a)(3)(ix), 45 CFR 233.50, 45 CFR 233.51, 45 CFR 233.90(c), (c)(1), and (c)(2)(iv), 45 CFR 233.100(a)(5)(ii), 45 CFR 233.106, and 45 CFR 250.34(a) and (c), and (c)(2); and Sections 11008.13, 11104, 11157, 11201(b), 11203, 11263.5, 11268, 11270, 11315, 11320.6(e), 11450 ~~and~~ 11477, and 11486 Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

RECEIVED
In the Office of the Secretary of State


DEC 20 1991

At 4:31 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: SOCIAL SERVICES

OAL File No: 91-1213-04


MARZ GARCIA
Director

12/20/91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-1126-00		91-0722-06E

For use by Office of Administrative Law (OAL) only

FILED

In the office of the Secretary of State
of the State of California

1991 NOV 26 AM 10:11

OFFICE OF
ADMINISTRATIVE LAW

DEC 26 1991

ENDORSED
APPROVED FOR FILINGAt 3:56 o'clock P.M.
MARCH FONG EU, Secretary of StateBy Bon M. Manassero
Deputy Secretary of State

AGENCY

REGULATIONS

AGENCY FILE NUMBER (if any)

State Department of Social Services

0191-04

Office of Administrative Law

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER 91-1126-00	PUBLICATION DATE 8-9-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	46-430, et seq.
TITLE(S) MPP	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☒ Effective on filing with Secretary of State
 ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☒ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau

TELEPHONE NUMBER

(916) 657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

DATE

TYPED NAME AND TITLE OF SIGNATORY

NOV 25 1991

John D. Healy, Interim Director

1. Definitions.

For the purpose of the Assistance Dog Special Allowance Program, the following definitions shall apply wherever the terms are used throughout Section 46-430.

- (a) (1) "Assistance Dog" means a guide dog, signal dog, or service dog.
- (b) (1) "Blind Recipient" means any individual who is considered blind as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (c) (Reserved)
- (d) (1) "Disabled Recipient" means any individual who is considered disabled as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (e) (1) "Eligible Recipient" means any blind or disabled individual who is a recipient of either or both SSI/SSP or IHSS who has an assistance dog.
- (f) (Reserved)
- (g) (1) "Guide Dog" means a dog that has been specifically trained, and certified by a licensed guide dog trainer under the provisions of Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code for use by a blind person to assist with his/her sight needs.
- (h) (Reserved)
- (i) (1) "IHSS" means the In Home Supportive Services Program (as defined in MPP Section 30-700.1) which provides assistance to any eligible aged, blind, or disabled individual who is unable to remain safely in his/her own home without this assistance.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)

- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (Reserved)
- (s)
 - (1) "SDSS" means State Department of Social Services.
 - (2) "Service Dog" means a dog that has been specifically trained by a professional service dog trainer to meet a physically disabled person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items.
 - (3) "Signal Dog" means a dog that has been specifically trained by a professional signal dog trainer to alert a deaf person or a person whose hearing is impaired, to intruders or sounds.
 - (4) "Special Needs Allowance" means an allowance provided by the Assistance Dog Special Allowance Program to pay for dog food and other costs associated with an assistance dog's care and maintenance. This allowance shall be \$40 a month for the months of January 1, 1991 through June 30, 1991 and \$50 per month beginning July 1, 1991.
 - (5) "SSI" means the federal Supplemental Security Income benefits provided pursuant to Subchapter 16 (commencing with Section 1381) of Chapter 7 of Title 42 of the United States Code.
 - (6) "SSP" means State Supplementary Program under Welfare and Institutions Code Chapter 3 (commencing with Section 12000).
- (t) (Reserved)
- (u) (Reserved)
- (v) (Reserved)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

.2 Eligibility

Eligible recipients who have an assistance dog shall be eligible for this special needs allowance.

.3 Application

Upon request the Department shall send application Form SC 1 (Rev. 11/90) to eligible recipients.

- .31 Eligible recipients who have an assistance dog shall apply for a special needs allowance. Application shall be made on Form SC 1 (Rev. 11/90) to the State Department of Social Services, Assistance Dog Special Allowance Program, 744 P Street, Sacramento, CA 95814.

HANDBOOK BEGINS HERE

- .32 The Department will approve or deny every application and notify the applicant of the action no more than 30 days after the date the application is received.

HANDBOOK ENDS HERE

.4 Payments

Payments begin from the first day of the month in which the application is received. Payments shall be made at the end of the month, in arrears for that month.

.5 Redeterminations

Eligibility for this allowance shall be redetermined at least once every twelve months. Each recipient shall complete and return the redetermination Form BPGDA1 (Rev. 1/91) to SDSS within 30 days of the date on the form.

Each recipient shall promptly notify SDSS if he/she: (1) ceases to be a recipient of blind or disabled benefits under SSI/SSP, (2) ceases to be a recipient a blind or disabled recipient of IHSS, (3) has retired his/her assistance dog, (4) no longer has an assistance dog, (5) has a change in his/her mailing address or name.

HANDBOOK BEGINS HERE

.6 County Responsibility (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code; Section 1614(a)(2), Title XVI of the Social Security Act; Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code; and Section 54.1, Civil Code.

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-1126 DIC		91-0722-06E
For use by Office of Administrative Law (OAL) only				
NOTICE			REGULATIONS	
AGENCY			AGENCY FILE NUMBER (if any)	
State Department of Social Services			0191-04	

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE
			91-1126-2	8-9-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	46-430, et seq.
TITLE(S)	REPEAL
MPP	

2. TYPE OF FILING

<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

Not Applicable

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

<input type="checkbox"/> Effective 30th day after filing with Secretary of State	<input checked="" type="checkbox"/> Effective on filing with Secretary of State	<input type="checkbox"/> Effective other (Specify)
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5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

<input checked="" type="checkbox"/> Department of Finance (Form STD. 399)	<input type="checkbox"/> Fair Political Practices Commission	<input type="checkbox"/> State Fire Marshal
<input type="checkbox"/> Other (Specify)		

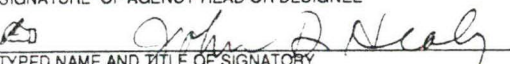
6. CONTACT PERSON

James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER (916) 657-2586
---	------------------------------------

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE


TYPED NAME AND TITLE OF SIGNATORY
John D. Healy, Interim Director

DATE

NOV 25 1991

1. Definitions.

For the purpose of the Assistance Dog Special Allowance Program, the following definitions shall apply wherever the terms are used throughout Section 46-430.

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- (c) (Reserved)
- (d) (1) "Disabled Recipient" means any individual who is considered disabled as defined in Section 1614(a) of Title XVI of the Social Security Act.
- (e) (1) "Eligible Recipient" means any blind or disabled individual who is a recipient of either or both SSI/SSP or IHSS who has an assistance dog.
- (f) (Reserved)
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- (h) (Reserved)
- (i) (1) "IHSS" means the In Home Supportive Services Program (as defined in MPP Section 30-700.1) which provides assistance to any eligible aged, blind, or disabled individual who is unable to remain safely in his/her own home without this assistance.
- (j) (Reserved)
- (k) (Reserved)
- (l) (Reserved)
- (m) (Reserved)
- (n) (Reserved)

- (o) (Reserved)
- (p) (Reserved)
- (q) (Reserved)
- (r) (Reserved)
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 - (1) "SDSS" means State Department of Social Services.
 - (2) "Service Dog" means a dog that has been specifically trained by a professional service dog trainer to meet a physically disabled person's requirements including, but not limited to, minimal protection work, rescue work, pulling a wheel chair, or fetching dropped items.
 - (3) "Signal Dog" means a dog that has been specifically trained by a professional signal dog trainer to alert a deaf person or a person whose hearing is impaired, to intruders or sounds.
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 - (6) "SSP" means State Supplementary Program under Welfare and Institutions Code Chapter 3 (commencing with Section 12000).
- (t) (Reserved)
- (u) (Reserved)
- (v) (Reserved)
- (w) (Reserved)
- (x) (Reserved)
- (y) (Reserved)
- (z) (Reserved)

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HANDBOOK BEGINS HERE

- .32 The Department will approve or deny every application and notify the applicant of the action no more than 30 days after the date the application is received.

HANDBOOK ENDS HERE

.4 Payments

Payments begin from the first day of the month in which the application is received. Payments shall be made at the end of the month, in arrears for that month.

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Eligibility for this allowance shall be redetermined at least once every twelve months. Each recipient shall complete and return the redetermination Form BPGDA1 (Rev. 1/91) to SDSS within 30 days of the date on the form.

Each recipient shall promptly notify SDSS if he/she: (1) ceases to be a recipient of blind or disabled benefits under SSI/SSP, (2) ceases to be a recipient a blind or disabled recipient of IHSS, (3) has retired his/her assistance dog, (4) no longer has an assistance dog, (5) has a change in his/her mailing address or name.

HANDBOOK BEGINS HERE

.6 County Responsibility (Continued)

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code.

Reference: Sections 10553, 10554, 12500, and 12553, Welfare and Institutions Code; Section 1614(a)(2), Title XVI of the Social Security Act; Chapter 9.5 (commencing with Section 7200) of Division 3 of the Business and Professions Code; and Section 54.1, Civil Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

Office of the Secretary of State
of the State of California

DEC 26 1991

At 3:56 o'clock P. M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

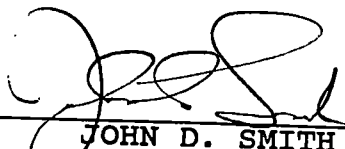
This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency:

Department of Social Services

OAL File No:

91-1126-01C


JOHN D. SMITH
Deputy Director

12-26-91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 2-91)

AGENCY

AGENCY FILE NUMBER (If any)

RDB# 1191-53

STATE DEPARTMENT OF SOCIAL SERVICES

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1991 DEC 20 PM 2:18

OFFICE OF
ADMINISTRATIVE LAW
ENDORSED
APPROVED FOR FILING

DEC 26 1991

Office of Administrative Law

FILED

In the office of the Secretary of State
of the State of California

DEC 26 1991

At 3:56 o'clock P.M.

MARCH FONG EU, Secretary of State

By: Ann M. Manassero
Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S)	ADOPT 63- 006
MPP	AMEND 63-301.9, 63-501.3, 63-502(g) (1) and (2)
SECTIONS AFFECTED	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
 ☐ Other (specify) _____

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
 ☐ Effective on filing with Secretary of State
 ☒ Effective other (Specify) 1-1-92

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
 ☐ Fair Political Practices Commission
 ☐ State Fire Marshal

☐ Other (Specify) _____

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Dev. Bureau


TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE



DATE

12/20/91

TYPED NAME AND TITLE OF SIGNATORY

JOHN D. HEALY, INTERIM DIRECTOR

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Adopt Section 63-006 to read:

63-006 IMPLEMENTATION OF THE MICKEY LELAND MEMORIAL DOMESTIC
HUNGER RELIEF ACT, EXEMPTION OF AFDC RESOURCES AND
CLOTHING ALLOWANCE PROVISIONS

63-006

- .1 Sections 63-301.9 and 63-501.3, as amended herein, shall become effective January 1, 1992.
- .11 Beginning January 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
- .12 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided back to the date of application or October 1, 1991, whichever occurred later.
- .13 For a household that applied for benefits from October 1, 1991 through December 31, 1991 and was denied due to excess resources as a result of counting resources which were excluded when determining AFDC eligibility, the household is entitled to restored benefits back to October 1, 1991 or date of application, whichever occurred later, if the household: (1) is otherwise entitled to benefits and (2) requests a review of its case or the CWD becomes aware a review is needed.
- .2 Section 63-502.2(g), as amended herein, shall become effective January 1, 1992.
- .21 Beginning January 1, 1992, the CWDs shall implement the amended or adopted provisions for all new food stamp applications.
- .22 For continuing cases and any households entitled to restored benefits, these provisions shall be implemented and appropriate restoration of benefits made upon request by the household, at recertification, when the case is next reviewed, or when the CWD becomes aware that a review is needed, whichever occurs first. Restored benefits are to be provided for the month affected back to the date of application or August 1, 1991, whichever occurred later.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.1.

Reformat and amend Section 63-301.9 to read:

63-301 APPLICATION PROCESSING TIME STANDARDS (Continued)

63-301

.9 Mixed Food Stamp Households

Mixed food stamp (FS) households are FS applicant households in which some, but not all, members are in the PA assistance unit (AU).

.91 CWDs may use the joint application processing procedures in Section 63-301.6 for ~~a food stamp applicant household in which some, but not all, members are in the PA filing unit~~ mixed FS households. This decision shall not be made on a case-by-case basis, but shall be applied uniformly to all households of this type in the county.

.92 Mixed FS households shall not be considered categorically eligible for food stamp benefits.

.93 CWDs shall exclude any resource of FS household members receiving AFDC if that resource was excluded in determining their AFDC eligibility.

.94 Mixed FS households must meet the food stamp gross and net income standards of eligibility.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code, 7 CFR 271.2, 7 CFR 273.2(h)(i)(c), (i)(4)(iii)(B), (j), (j)(1), (j)(1)(iv), and (j)(2)(iii), 7 CFR 273.8(e)(17), 7 CFR 273.10(c)(1), 7 CFR 274.2 and (Court order re Final Partial Settlement Agreement in Jones v. Yeutter (C. D. Cal. Feb. 1, 1990) ____ F. Supp. ____ [Dock No. CV-89-0768]).

Adopt Section 63-501.3(o) to read:

63-501 RESOURCE DETERMINATIONS (Continued)

63-501

.3 Exclusions From Resources

(a) through (n) (Continued)

(o) Any resource of household members receiving AFDC if the resource was excluded in determining their AFDC eligibility.

Authority Cited: Sections 10554 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code and 7 CFR 272.8(e)(17), Public Law 101-201, P. L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P. L. 101-508, Section 11111(b); 26 U. S. C. 32(j)(5); and U. S. D. A. Food and Nutrition Service Administrative Notice 91-30.

Amend Sections 63-502.2(g)(1) and (2) to read:

63-502 INCOME, EXCLUSIONS AND DEDUCTIONS (Continued)

63-502

.2 Income Exclusions. (Continued)

(a) through (f) (Continued)

(g) (Continued)

(1) (Continued)

(A) through (F) (Continued)

(G) Any allowance provided by the state or county no more frequently than annually for children's clothes when the children enter or return to school or daycare, except as specified in Section 63-502.2(g)(2)(D). Verification of attendance at school or daycare is not required.

(2) (Continued)

(A) through (C) (Continued)

(D) Clothing allowances specified in Section 63-502.2(g)(1)(G) if the monthly AFDC grant is reduced by the amount of the allowance during the month in which the allowance is provided.

Authority Cited: Sections 10553 and 18904, Welfare and Institutions Code.

Reference: Section 18901, Welfare and Institutions Code, Public Law 101-201, P.L. 100-50, Sections 22(e)(4) and 14(27), enacted June 3, 1987; P. L. 100-77, and 7 CFR 273.7(f), 7 CFR 273.9(c)(iv)(B), 7 CFR 273.9(c)(i)(F), 7 CFR 273.9(d)(4), 273.9(d)(6)(vii), and (Court Order re Final Partial Settlement Agreement in Jones v. Yeutter (C.D. Cal Feb 1, 1990) ____ F. Supp. ____ [Dock. No. CV-89-0768].); P. L. 101-508, Section 11111(b); 26 U. S. C. 32(j)(5); and U. S. D. A. Food and Nutrition Service Administrative Notice 91-30.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED
Office of the Secretary of State
of the State of California

DEC 26 1991

At 3:56 o'clock P. M.
MARCH FONG EU, Secretary of State
By Bon M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Department of Social Services

OAL File No: 91-1220-08E



JOHN D. SMITH
Deputy Director

12-26-91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER	PREVIOUS REGULATORY ACTION NUMBER
		91-1126-03N		91-0610-02S

For use by Office of Administrative Law (OAL) only

FILED
 The office of the Secretary of State
 of the State of California

DEC 26 1991

ENDORSED BY LAW
 APPROVED FOR FILING

DEC 26 1991

At 3:56 o'clock P.M.
 MARCH FONG EU, Secretary of State

By Ann M. Marasero
 Deputy Secretary of State

NOTICE

REGULATIONS

AGENCY

Office of Administrative Law

AGENCY FILE NUMBER (if any)

RDB#1191-54

STATE DEPARTMENT OF SOCIAL SERVICES

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND 87114 (c) (2)
	REPEAL
TITLE(S) 22	

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
☐ Resubmittal
☒ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
☐ Emergency (Gov. Code, § 11346.1(b))
☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.
☐ Print Only
☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☒ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal
☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Asst. Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
 TYPED NAME AND TITLE OF SIGNATORY

JOHN D. HEALY, INTERIM DIRECTOR

DATE

NOV 25 1991

Amend Section 87114(c)(2) to read:

87114 CONTINUATION OF LICENSE UNDER EMERGENCY CONDITIONS 87114

- (a) The licensing agency may consent to a change of location and continuation of the existing license of any facility for a reasonable period of time when the change is requested because of the accidental destruction of the licensed premises or similar emergency conditions, so long as the new location or place of performance conforms to building, fire and life safety standards.
- (b) In the event of a licensee's death, the licensing agency shall be permitted to consent to an adult relative operating a previously licensed facility providing the requirements of Section 1569.193 of the Health and Safety Code are met.

=====

HANDBOOK BEGINS HERE

- (1) Health and Safety Code, Section 1569.193 provides:

- (a) When a licensee dies, an adult relative who has control of the property may continue operation of the facility if the following conditions are met:
 - (1) The department receives notification of the death during the next normal workday and is informed of the relative's intent to continue operating the facility as a residential care facility for the elderly.
 - (2) The relative files an application within five days of the date of death, shows evidence satisfactory to the department that he or she has the ability to operate the facility, submits his or her fingerprint card, and provides evidence of the licensee's death.
- (b) The department shall make a decision within 60 days after the application is submitted on whether to issue a provisional license pursuant to Section 1569.21. A provisional license shall be granted only if the department is satisfied that the conditions specified in subdivision (a) have been met and that the health and safety of the residents of the facility will not be jeopardized.

- (c) If the relative complies with this section, he or she shall not be considered to be operating an unlicensed facility while the department decides whether to grant the provisional license.

HANDBOOK ENDS HERE

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- (2) For purposes of Section 87114(b), the adult relative shall have control of property, as defined in Section 87101c.(6), prior to the continued operation of the facility.
- (3) For purposes of Section 87114(b), submission of application within five (5) days of the date of death shall mean within five calendar days of licensee's death.
- (4) For purposes of Section 87114(b), the adult relative shall provide to the licensing agency evidence of the licensee's death as defined in Section 87101e.(4).
- (5) If the adult relative complies with Section 87114(b), he/she shall be issued an Emergency Approval to Operate (EAO) as defined in Section 87101e.(2).
- (A) The applicant (adult relative) who is issued an EAO shall perform all the duties, functions, and responsibilities required of a licensee.
- (B) Failure to comply with licensing laws and regulations under Section 87114(b) as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.
- (C) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.
- (c) In the event of the sale and transfer of property and business, the applicant (buyer) shall be issued an EAO if the applicant (buyer) complies with Section 1569.191 of the Health and Safety Code.

=====

HANDBOOK BEGINS HERE

(1) Health and Safety Code, Section 1569.191 provides:

- (a) Notwithstanding Section 1569.19, in the event of a sale of a licensed facility where the sale will result in a new license being issued, the sale and transfer of property and business shall be subject to both of the following:
 - (1) The licensee shall provide written notice to the department and to each resident or his or her legal representative of the licensee's intent to sell the facility at least 60 days prior to the transfer of property or business, or at the time that a bona-fide offer is made, whichever period is longer.
 - (2) The licensee shall, prior to entering into an admission agreement, inform all residents, or their legal representatives, admitted to the facility after notification to the department, of the licensee's intent to sell the property or business.
- (b) Except as provided in subdivision (e), the property and business shall not be transferred until the buyer qualifies for a license or provisional license within the appropriate provisions of this chapter.
 - (1) For purposes of this section, it shall be the seller's responsibility to inform a prospective buyer of the necessity to obtain a license, as required by this chapter, if the buyer's intent is to continue operating the facility as a residential care facility for the elderly.
 - (2) For purposes of this section, it shall be the buyer's responsibility to apply for a license, as specified in Section 1569.15, within five days of the acceptance of the offer by the seller.
- (c) No sale of the facility shall be permitted until 60 days have elapsed from the date upon which notice has been provided pursuant to paragraphs (1) and (2) of subdivision (a).

- (d) The department shall give priority to applications for licensure which are submitted pursuant to this section in order to ensure timely transfer of the property and business. The department shall make a decision within 60 days after the application is submitted on whether to issue a license pursuant to Section 1569.15.
- (e) If the parties involved in the transfer of the property and business fully comply with this section then the transfer may be completed and the buyer shall not be considered to be operating an unlicensed facility while the department makes final determination on the application for licensure.

HANDBOOK ENDS HERE

=====

- (2) The applicant ~~adulterative~~ relative (buyer), who is issued an EAO shall perform all the duties, functions and responsibilities required of a licensee.
 - (3) Failure to comply with licensing laws and regulations under this section as determined by the licensing agency, shall result in the denial of the application for license. This denial shall also constitute termination of the EAO.
 - (4) The licensing agency shall provide written notification of the denial and this notice shall be effective immediately upon receipt.
- (d) "A bona-fide offer", as specified in Health and Safety Code Section 1569.191(a)(1), shall mean a proposal by the buyer to purchase the facility with definite terms in writing communicated to the seller and accompanied by a cash deposit.

Authority Cited: Section 1569.30(a), Health and Safety Code.

Reference: Sections 1569.191 and 1569.193, Health and Safety Code.

OFFICE OF ADMINISTRATIVE LAW

FILED
File office of the Secretary of State
of the State of California

CERTIFICATION

OF

DEC 26 1991

APPROVAL

At 3:56 o'clock P. M.
MARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency: Department of Social Services

OAL File No: 91-1126-03N



JOHN D. SMITH
Deputy Director

12/26/91

NOTICE PUBLICATION REGULATIONS SUBMISSION

See instruction on
(reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-91-0723-01	REGULATORY ACTION NUMBER 91-1127-03C	EMERGENCY NUMBER 91-0719-03E and 91-0802-01E	PREVIOUS REGULATORY ACTION NUMBER
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For use by Office of Administrative Law (OAL) only

1991 NOV 27 PM 1:25

ENDORSED
APPROVED FOR FILING
ADMINISTRATIVE LAW
DEC 27 1991

Office of Administrative Law

FILED

Office of the Secretary of State
of the State of California

DEC 27 1991

At 3:26 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ann M. Marascio
Deputy Secretary of State

AGENCY	REGULATIONS	AGENCY FILE NUMBER (if any)
State Department of Social Services		RDB #0191-06 and RDB #0191-06A

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/ Withdrawn	NOTICE REGISTER NUMBER 91-1127-03C	PUBLICATION DATE 8-2-91

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)	
SECTIONS AFFECTED	ADOPT Division 12, Chapter 12-200, Sections 12-201, 202, 203, 204, 205, 206, 210, 211, 220, 221, 222, 223, 224, 225, 226, 227, 228, and 229.
TITLE(S)	AMEND Division 12, Chapter 12-100, Sections 12-101, 102, and 105.
MPP	REPEAL

2. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code, § 11346)	<input type="checkbox"/> Resubmittal	<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)	<input type="checkbox"/> Emergency (Gov. Code, § 11346.1(b))
<input checked="" type="checkbox"/> Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.			
<input type="checkbox"/> Print Only <input type="checkbox"/> Other (specify)			
3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45) 10/24/91 - 11/8/91 Sections 12-202, 211, 222, 224, and 225			
4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2) <input type="checkbox"/> Effective 30th day after filing with Secretary of State <input checked="" type="checkbox"/> Effective on filing with Secretary of State <input type="checkbox"/> Effective other (Specify)			
5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY <input checked="" type="checkbox"/> Department of Finance (Form STD. 399) <input type="checkbox"/> Fair Political Practices Commission <input type="checkbox"/> State Fire Marshal <input type="checkbox"/> Other (Specify)			

6. CONTACT PERSON Jim Rhoads, Assistant Chief, Regulations Development Bureau	TELEPHONE NUMBER 657-2586
--	------------------------------

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE John D. Healy	DATE NOV 26 1991
TYPED NAME AND TITLE OF SIGNATORY John D. Healy, Interim Director	

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

- .2 Definitions of terms used in these regulations, which are common to the Child Support Enforcement Program, are found in MPP Section 12-701.
- .3 Definitions of terms specific to these regulations are:
- a. (Continued)
 - (4) "Assigned collection" -- means a collection which is used to recoup aid paid to the family. (Continued)
 - c.(1) "California Central Registry" -- means the California Central Registry within the State Department of Justice which operates as a clearinghouse for incoming interstate child support cases.
 - (2) "Case action" -- means any documented activity taken or initiated by the district attorney to further case processing.
 - (3) "Compliance" -- means the district attorney has attained either marginal compliance or substantial compliance as defined in these regulations.
 - (4) "County welfare department" -- means the county department or departments which administer aid programs.
 - d.(1) "Department" -- means the State Department of Social Services.
 - (2) "Diligent effort" -- (Continued)
 - (3) "Direct payment" -- means a payment which was sent directly to the custodial parent rather than to the district attorney.
 - (4) "Director" -- means the Director of the State Department of Social Services. (Continued)
 - m.(1) "Marginal compliance" -- For the purpose of passing on federal sanctions, marginal compliance means a county achieves compliance with each program performance standard in at least 75 percent but not more than 80 percent of the cases reviewed.
 - n.(1) "Noncompliance" -- For the purposes of paying incentives and passing on federal sanctions, noncompliance means a county fails to achieve compliance with each program performance standard in 75 percent of the cases reviewed, and as otherwise specified in these regulations. (Continued)

- s.(1) "Self-review counties" -- means the 36 largest counties based on child support caseload which will perform their own compliance reviews as directed by the Department.
- (2) "State IV-D Director" -- means the Chief of the Child Support Program Branch within the State Department of Social Services who manages the Child Support Enforcement Program.
- (3) "State-review counties" -- means the 22 smallest counties based on child support caseload whose compliance reviews will be conducted by the Department.
- (4) "Submit" -- For the purpose of determining the date of submission, items shall be considered submitted to the Department on the date they are postmarked.
- (5) "Substantial compliance" -- For the purposes of paying incentives and passing on federal sanctions, substantial compliance means the county achieves compliance with each program performance standard in more than 80 percent of the cases reviewed. (Continued)

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11475, 11479.5, and 15200.85, Welfare and Institutions Code; and 45 CFR 232.11 and 300 through 307.

.2 Nothing in this section shall preclude the district attorney from the following:

.21 (Continued)

.22 Closing cases.

.221 Case closure shall be done in accordance with Chapter 12-300.

.3 (Continued)

.4 (Continued)

.5 (Continued)

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 11479.5 and 15200.8 et seq., Welfare and Institutions Code; and 45 CFR 302.33 and 303.10.

- .1 In all cases for which paternity has not previously been established or in which paternity is contested, the district attorney shall do one of the following within 90 calendar days of locating the alleged absent parent:
 - .11 File for paternity establishment and complete service of process to establish paternity.
 - .12 (Continued)
- .2 (Continued)

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code and 45 CFR 303.5.

12-200 PROGRAM PERFORMANCE REVIEWS

12-200

12-201 SCOPE

12-201

HANDBOOK BEGINS HERE

These regulations establish the procedures and standards by which district attorneys shall be measured for the purposes of paying incentives and passing on federal audit sanctions only. They do not limit the district attorneys' responsibility to provide program services in accordance with federal and state laws and regulations.

HANDBOOK ENDS HERE

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 15200.8, Welfare and Institutions Code.

Amend Section 12-202 to read:

12-202 PROGRAM PERFORMANCE REVIEW PROCEDURES

12-202

- .1 The district attorney shall be subject to annual reviews on a state fiscal-year basis to determine compliance with the program performance standards specified in this chapter.
 - .11 The district attorney shall be notified in writing as to whether the district attorney's county is a state-review or self-review county.
 - .111 The designation shall be for a two-year period.
- .2 The district attorney shall provide a case listing when requested in writing to do so by the Department.
 - .21 The case listing shall consist of all ~~appropriate cases as specified in writing by the Department for the time period requested~~ which are:
 - .211 In open status on January 1, or which are opened and remain open between January 1 and December 31, of the year in which the review period begins; and
 - .212 In closed status and remain closed between July 1 and December 31, of the year in which the review period begins.
 - .22 The case listing shall ~~contain the information and be displayed submitted~~ in the manner requested specified in writing by the Department and shall include relevant case information, such as the IV-D case number; the absent parent's name; the custodial parent's, or the payee's, name; the case status; and social security numbers.
 - .23~~1~~ The district attorney shall have at least 45 calendar days from the postmark date of the Department's request to prepare and submit the case listing/ ~~123 The case listing shall be submitted within the time requested in writing by the Department~~, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
 - .24 Failure to submit an accurate and timely case listing as requested in writing by the Department shall result in a finding of noncompliance.
- .3 The district attorney shall be notified in writing of the statistically valid random sample of cases to be reviewed, based on the case listing submitted.
 - .31 The case sample shall:
 - .311 Be determined using generally accepted statistical principles.
 - .312 Meet a 95 percent confidence interval at the .05 level of significance.

- .313 Consist of at least the minimum number of cases necessary to ensure that the sample is representative of the county's total case listing.
- .32 Failure to locate more than 10 percent of the case records specified in the case sample shall result in a finding of noncompliance.
- .33 Unless otherwise directed by the Department, the review shall be conducted on only those cases specified in the case sample.
- .331 Substitution of a case not specified in the case sample shall result in a finding of noncompliance.
- .4 For self-review counties, the district attorney shall complete the program performance review within ~~the time specified in writing by the Department~~ 45 days from the beginning of the case review period, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .41 Failure to complete the program performance review ~~as specified in writing by the Department~~ shall result in a finding of noncompliance.
- .5 For self-review counties, the district attorney shall submit to the Department a report of the results of the program performance review. This shall be known as the Performance Review Report.
- .51 The Performance Review Report shall ~~contain the information and be displayed~~ presented in the manner requested in writing specified by the Department and shall include, but not be limited to, the county's IV-D organization chart, the methodology of the review, findings of compliance versus noncompliance for each IV-D program performance standard, and supporting information in the appendices to the report. Written procedures shall be made available by the counties for review by the Department.
- .52 The Performance Review Report shall be submitted within ~~60~~ 45 calendar days of the end of the case review as specified in Section 12-202.4, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .53 The Performance Review Report shall contain such supporting documentation as ~~requested in writing~~ determined by the Department to be needed to support the findings in the report.
- .54 Failure to provide a Performance Review Report as required by these regulations shall result in a finding of noncompliance.
- .6 Self-review counties shall be subject to monitoring by the Department.
- .61 The monitoring shall be to determine the following:
 - .611 Adherence to the case sample.
 - .612 Existence of a conflict of interest for self-review staff.

- .613 Accuracy of the tabulation results.
- .62 Failure to meet the requirements specified in Section 12-202.61 shall result in a finding of noncompliance.
- .7 For self-review counties, the district attorney shall be notified in writing of the Department's determination of the level of compliance with each program performance standard specified in this chapter within 90 calendar days of the date the Performance Review Report is postmarked.
- .8 In state-review counties, the district attorney shall receive a copy of the Performance Review Report prepared by the Department.
- .81 The Performance Review Report shall identify the level of compliance with each program performance standard specified in this chapter.
- .82 The district attorney shall have 45 calendar days from the date the Performance Review Report is postmarked to review and comment on the Performance Review Report, unless a later date is mutually agreed upon in writing by the county IV-D director and the Department.
- .83 If no comments are received from the district attorney the Performance Review Report shall become final after the 45-day review/comment period.
- .84 If comments are received from the district attorney, one of the following shall occur for each comment received within 45 calendar days of the date the comments are postmarked:
- .841 The Performance Review Report shall be revised based on the comment received.
- .842 The district attorney shall be notified in writing why the Performance Review Report was not revised based on the comment received.
- .85 The district attorney shall receive a copy of the finalized Performance Review Report which shall be considered the Department's determination of compliance/noncompliance.
- .851 The finalized Performance Review Report shall be sent within the 45-day period specified in Section 12-202.84.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 15200.8, Welfare and Institutions Code.

- .1 Upon a finding of noncompliance, the district attorney shall develop a corrective action plan which shall be known as the Program Improvement Report.
 - .11 The Program Improvement Report shall contain all of the following:
 - .111 Identification of each finding of noncompliance.
 - .112 The district attorney's determination of the cause(s) for each finding of noncompliance identified in Section 12-203.111.
 - .113 The proposed solution(s) for the cause(s) of each finding of noncompliance identified in Section 12-203.111.
 - (a) Such solution(s) shall identify the county administrative and/or procedural and program policy and/or operational changes to be made.
 - (b) The county administrative and/or procedural and program policy and/or operational changes shall be made as soon as possible but no later than one calendar year from the date the Program Improvement Report is postmarked.
 - (c) If the finding of noncompliance is with a program performance standard, the county administrative and/or procedural and program policy and/or operational changes identified in Section 12-203.113(a) shall result in the processing of cases in compliance with that program performance standard on a prospective basis.
 - .114 Upon a finding of noncompliance with a program performance standard, a plan for correcting cases which were not previously processed in compliance with the program performance standard. Such plan shall:
 - (a) Identify the estimated number of cases not in compliance with the program performance standard.
 - (b) Provide measurable, quarterly milestones for correcting the cases identified in Section 12-203.114(a), including the number of cases to be corrected each quarter.
 - (c) Indicate the date by which all of the cases will be corrected and the plan completed.
 - .115 A description of how the implementation of each proposed solution will be monitored and evaluated for timeliness and effectiveness in correcting the noncompliance.

- .2 If the district attorney elects to implement corrective action prior to the Department's final determination of compliance/noncompliance, the Program Improvement Report shall include the information specified in Section 12-203.1 and all of the following:
 - .21 The date each proposed solution was implemented.
 - .22 The status of the implementation of each proposed solution.
 - .23 An evaluation of the effectiveness of each proposed solution in correcting the noncompliance.
- .3 The Program Improvement Report shall be submitted to the Department within 60 calendar days of the date the Department's notification of noncompliance is postmarked or the date the Performance Review Report becomes final, whichever is applicable, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
 - .31 The Program Improvement Report shall be subject to review by the Department.
 - .32 The Program Improvement Report shall be returned by the Department to the district attorney as unacceptable within 45 days of the date the Program Improvement Report is postmarked upon any of the following:
 - .321 Determination that the requirements for the Program Improvement Report specified in Sections 12-203.1 and 12-203.2 are not met.
 - .322 Determination that the causes of and/or solutions for the noncompliance are not related to the finding.
 - .33 Failure to submit an acceptable Program Improvement Report shall result in a finding of continued noncompliance for each calendar quarter until an acceptable Program Improvement Report is submitted.
- .4 The district attorney shall submit to the Department a written report on the status of the corrective action each calendar quarter until such time as the district attorney notifies the Department that the corrective action has been completed pursuant to Section 12-203.7.
 - .41 Such report shall be submitted within 15 calendar days following the end of each calendar quarter, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
 - .42 Failure to submit a status report on the corrective action within the required time shall result in a finding of continued noncompliance.
- .5 The district attorney shall be subject to review by the Department to determine the effectiveness of the corrective action and the level of compliance attained.

- .6 The district attorney shall amend any existing Program Improvement Report and its attendant corrective action to include the results of subsequent annual and/or quarterly reviews.
- .7 The district attorney shall notify the Department in writing upon the district attorney's determination that the corrective action has been completed.
 - .71 The corrective action shall be considered completed upon completion of all of the following:
 - .711 The county administrative and/or procedural and program policy and/or operational changes identified pursuant to Section 12-203.113(a) have been fully implemented.
 - .712 Current cases have been processed for a minimum of 30 calendar days in compliance with any program performance standard previously identified as out of compliance.
 - .713 The district attorney has implemented the plan pursuant to Section 12-203.114 and is correcting the cases identified pursuant to that section.
 - .72 The district attorney's finding shall be subject to verification by the Department.
 - .721 Such verification shall be completed within 60 calendar days of the date the district attorney's notification of compliance is postmarked.
 - .73 Upon verification of compliance by the Department, the district attorney shall be entitled to the statutory compliance incentive rate at the start of the calendar quarter following the quarter in which the district attorney's notification of compliance is postmarked.
- .8 Following completion of the corrective action as specified in Section 12-203.71, failure to meet any quarterly milestone identified in Section 12-203.114(b) shall result in a new finding of noncompliance, unless an extension for meeting the milestone is mutually agreed upon in writing by the district attorney and the Department.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Section 15200.8, Welfare and Institutions Code.

- .1 In addition to the program performance standards specified in this chapter, the district attorney shall be subject to administrative review.
 - .11 The administrative review shall include the following:
 - .111 Nonregulated statutory and/or federal requirements.
 - .112 Local administrative procedures.
 - .113 Local systems.
 - .114 Adherence to the provisions of the Plan of Cooperation.
 - .12 The findings of the administrative review shall be known as administrative findings.
 - .13 The administrative review shall be considered part of the program performance review, and the administrative findings shall be included in the Performance Review Report.
- .2 Administrative findings and/or findings of marginal compliance shall not affect the district attorney's entitlement to incentives as specified in this chapter.
- .3 The district attorney shall include a program improvement plan in the Program Improvement Report.
 - .31 The program improvement plan shall include all of the following:
 - .311 Any administrative findings identified in the Performance Review Report.
 - .312 Any findings of marginal compliance identified in the Performance Review Report.
 - .313 The district attorney's determination of the cause(s) for each administrative finding or finding of marginal compliance with a program performance standard.
 - .314 The proposed solution(s) for the cause(s) for each administrative finding or finding of marginal compliance with a program performance standard.
 - .315 A description of how each proposed solution will be implemented including the time frames for implementation.

- .316 A description of how the implementation of each proposed solution will be monitored and evaluated for timeliness and effectiveness in either correcting the administrative finding or bringing the marginal compliance into substantial compliance.

Authority Cited: Sections 10553, 10554, 11475.1, 11479.5, and 15200.8, Welfare and Institutions Code.

Reference: Sections 11475.1 and 11479.5, Welfare and Institutions Code.

- .1 The district attorney shall be permitted to protest and appeal the following findings of the Department:
 - .11 Failure to submit an accurate, timely case listing.
 - .12 Failure of self-review counties to provide an accurate, timely Performance Review Report.
 - .13 Marginal compliance.
 - .14 Noncompliance.
 - .15 Failure to submit a Program Improvement Report.
 - .16 Any other finding which might affect the county's entitlement to incentives.
 - .17 Any other finding which might affect the county's risk of financial sanction.
- .2 The district attorney's initial written protest shall:
 - .21 Be submitted to the State IV-D Director within 60 calendar days of the date the Department's final findings are postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
 - .22 State the finding(s) being protested and the specific reason(s) therefor.
 - .23 Include complete documentation supporting the district attorney's reason(s) for protesting the finding(s).
- .3 The district attorney shall submit additional documentation to support the district attorney's reason(s) for protesting the finding(s) if requested in writing by the Department.
 - .31 Such documentation shall be submitted within 15 calendar days of the date the Department's request for additional documentation is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
 - .32 Failure to provide such documentation within the required time shall result in the Department's findings being upheld.
- .4 The district attorney shall be notified in writing of the results of the initial protest within 60 calendar days of the date the initial protest is postmarked.

- .5 If dissatisfied with the results of the initial protest, the district attorney shall be permitted to file a written appeal with the Director.
- .51 The appeal shall be filed within 30 calendar days of the date the Department's response to the initial protest is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
- .52 The appeal shall include the district attorney's initial protest and the Department's response thereto.
- .53 The appeal shall state the reason(s) the district attorney is dissatisfied with the Department's response to the initial protest.
- .54 The appeal shall include complete documentation supporting the district attorney's reason(s) for being dissatisfied with the Department's response to the initial protest.
- .55 The district attorney shall submit additional documentation to support his reason(s) if requested in writing by the Director or the Director's designee.
 - .551 Such documentation shall be submitted within 15 calendar days of the date the Department's request for additional documentation is postmarked, unless a later date is mutually agreed upon in writing by the district attorney and the Department.
 - .552 Failure to provide such documentation within the required time shall result in the Department's findings being upheld.
- .6 The district attorney shall be permitted to request a hearing regarding the Department's findings.
 - .61 Such hearing shall be requested in the district attorney's appeal to the Director.
 - .62 The hearing shall be before the Director or the Director's designee.
 - .621 The Director's designee shall not be any person previously involved in the program performance review or the initial protest.
 - .63 The district attorney shall be notified of the date of the hearing within 30 calendar days of the date the district attorney's appeal/request for hearing is postmarked.
 - .631 The district attorney shall have at least 30 calendar days from the date the notification of hearing is postmarked to prepare for the hearing.

- .64 The district attorney or the district attorney's designee(s) shall be permitted to present evidence and information at the hearing.
- .65 The district attorney shall be notified in writing of the results of the hearing by the Director or the Director's designee within 30 calendar days of the date of the hearing.
- .7 If no hearing is requested, the district attorney shall be notified in writing of the results of the appeal by the Director or the Director's designee within 30 calendar days of the date the district attorney's appeal is postmarked.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code.

- .1 The district attorney shall be entitled to the statutory base incentive rate.
- .2 The district attorney shall be entitled to the statutory compliance incentive rate at the start of the calendar quarter following the quarter in which the district attorney's notification of substantial compliance with each program performance standard was postmarked.
- .3 The district attorney shall be entitled to only the statutory base incentive rate for the calendar quarter immediately following the quarter in which the district attorney's notification of noncompliance with any program performance standard was postmarked.
- .31 The district attorney shall continue to receive only the statutory base incentive rate until successful completion of corrective action as identified in the Program Improvement Report pursuant to Section 12-203.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8, 15200.85, and 15200.9, Welfare and Institutions Code.

.1 The district attorney shall have and use written procedures for each of the program performance standards contained in this chapter.

.11 Failure to have and use such written procedures shall result in a finding of noncompliance.

Authority Cited: Sections 10553, 10554, 11475.1, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 305.

Amend Section 12-211 to read:

12-211 EXPEDITED PROCESS

12-211

- .1 The district attorney shall meet the following time frames for completing actions to establishment of child support orders and or enforcement of child support obligations orders:
 - .11 Within three months of successful service of process for 90 percent of cases.
 - .12 Within six months of successful service of process for 98 percent of cases.
 - .13 Within one year of successful service of process for 100 percent of cases.
- .2 Failure to meet the requirements specified in Section 12-211.1 shall result in a finding of noncompliance for expedited process.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 15200.8 and 11479.5, Welfare and Institutions Code; and 45 CFR 303.101(b)(2).

- .1 The district attorney shall:
 - .11 Meet the time standards for providing applications specified in Section 12-103.1.
 - .12 Provide the information listed in Section 12-103.13 within the time standard specified in Section 12-103.15.
 - .13 Establish case records in accordance with Section 12-103.2.
 - .14 Verify initial information and solicit additional information in accordance with Section 12-103.2.
- .2 The district attorney shall obtain an application for each case on behalf of families not receiving aid.
- .3 The district attorney shall not obtain an application for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services.
- .4 Program services shall be suspended if the district attorney is notified by the county welfare department of a claim for good cause.
 - .41 Program services shall not be provided if the district attorney is notified by the county welfare department of a final determination of good cause.
 - .411 The district attorney shall proceed with program services if the county welfare department also notifies the district attorney that services may proceed without the participation of the custodial parent.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(b) and (c) and 302.51(e)(3).

.1 The district attorney shall attempt to locate an absent parent whenever the absent parent's location is unknown.

.11 Location of absent parents shall be done in accordance with the standards specified in Section 12-104.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.3(b).

Amend Section 12-222 to read:

12-222 PROGRAM PERFORMANCE STANDARDS - PATERNITY ESTABLISHMENT

12-222

- .1 The district attorney shall attempt to establish paternity for children under age 18 whose paternity has not previously been established.
 - .11 ~~THE DISTRICT ATTORNEY SHALL NOT ESTABLISH PATERNITY IN ANY CASE INVOLVING INCEST/ FORCIBLE RAPE/ OR IN WHICH PROCEEDINGS FOR ADOPTION ARE PENDING/ OR IN WHICH~~ If the district attorney determines that establishing paternity would not be in the best interest of the child and the case involves incest, forcible rape or pending adoption proceedings, then the district attorney shall not attempt to establish paternity.
 - .111 Such determination and the reasons therefor shall be documented in the case record.
 - .12 Establishment of paternity shall be done in accordance with the standards specified in Section 12-105.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.5(a) and (b).

- .1 The district attorney shall attempt to establish a child support order for cases in which a child support order does not exist.
 - .11 When petitioning the court for child support, the district attorney shall use the statutory child support guidelines in effect at that time to determine the amount of child support sought.
 - .12 Establishment of child support orders shall also be done in accordance with the standards specified in Section 12-106.
- .2 Upon a written request for modification of a child support order the district attorney shall:
 - .21 Review the case.
 - .22 Respond to the request in writing within 90 calendar days of the date the request is postmarked.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.50(a) and 303.4(b) and (d); Section 4720.1, California Civil Code; and 42 U.S.C. 466(a)(10)(A).

- .1 The district attorney shall enforce spousal support orders when all of the following criteria are met:
 - .11 A court order for spousal support has been previously established.
 - .12 The spouse or former spouse is living with the child(ren) for whom the absent parent is liable for support.
 - .13 The child support order is being enforced by the district attorney.
- .2 The district attorney shall attempt to enforce support orders in open IV-D cases for which a support order has been established.
 - .21 Enforcement of support orders shall be completed in accordance with the standards specified in Section 12-107.
 - .22 The district attorney shall seek real property liens in accordance with Chapter 12-600.
 - .23 The district attorney shall seek federal and state income tax refund intercepts in accordance with Chapter 12-700.
- .3 The district attorney shall petition the court for a wage assignment for any support order established or modified after July 1, 1990.
 - .31 In addition to the current support due, the district attorney shall petition for an amount to be applied toward any overdue support.
 - .32 To initiate withholding pursuant to a wage assignment, the district attorney shall serve the absent parent's employer the wage assignment and a notice containing all of the following information:
 - .321 The amount to be withheld from the absent parent's wages and a statement that such amount may not exceed the statutory maximum.
 - .322 A statement informing the employer that the employer may deduct a fee of one dollar, in addition to the amount withheld, for administrative costs incurred for each withholding.
 - .323 A statement informing the employer that the withholding order is binding upon the employer until further notice.
 - .324 A statement informing the employer that the employer is subject to a maximum fine of 500 dollars for any of the following reasons:
 - (a) Discharging an absent parent because of the withholding order.

- (b) Taking disciplinary action against an absent parent because of the withholding order.
 - (c) Refusing to hire an absent parent because of a withholding order.
- .325 A statement informing the employer that the employer is liable for the accumulated amount which should have been withheld if the employer refuses to withhold wages as directed.
- .326 A statement informing the employer that the assignment for support has priority over any other legal process under state law against the same wages.
- .327 A statement informing the employer that the employer may combine withheld amounts from all absent parents in a single payment to each agency requesting withholding and separately identifying the portion of the payment which is attributable to each absent parent.
- .328 A statement directing the employer to do the following:
- (a) Implement the withholding no later than the first pay period which occurs after 14 calendar days following the date the notice was mailed.
 - (b) Forward amounts withheld to the district attorney within 10 calendar days of the date the absent parent is paid.
- .329 A statement directing the employer to notify the district attorney in writing when the absent parent terminates employment, including the following information:
- (a) The absent parent's last known address.
 - (b) The name and/or address of the absent parent's new employer, if known.
- .33 If the absent parent changes employment, the district attorney shall serve the wage assignment on the absent parent's new employer, if known, and notify that employer that the wage assignment is binding on the new employer.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; 45 CFR 302.31(a)(2), 303.6, and 303.100(a); (b), and (d); and Sections 4390.3, .10, and .17, California Civil Code.

Amend Section 12-225 to read:

12-225 PROGRAM PERFORMANCE STANDARDS - COLLECTION AND DISTRIBUTION

12-225

- .1 The district attorney shall notify the county welfare department in writing when the district attorney discovers that a direct payment has been retained by a family receiving aid.
- .2 The district attorney shall be responsible for distributing collections for all cases in which there is a support order being enforced by the district attorney.
 - .21 Such distribution shall be completed in accordance with the standards specified in Section 12-108.
- .3 On or before September 30 of each year, the district attorney shall provide a notice of collections received during the previous state fiscal year.
 - .31 The notice shall be sent to all of the following:
 - .311 Families currently receiving aid.
 - .312 Families which formerly received aid and continue to receive Child Support Enforcement Program services on whose cases an assigned collection was made.
 - .32 The notice shall contain all of the following information:
 - .321 The total amount of assigned collections received during the prior fiscal year, or zero if no assigned collections were received.
 - .322 The total amount of payments to the family, or zero if no amounts were paid to the family.
 - .323 In the case of multiple absent parents, a separate listing of collections from each absent parent, or zero if no collections were received from an absent parent.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 302.31(a)(3)(i), .32, .37, .51, .52, and .54(a) and (b).

- .1 When the absent parent resides in another state, the district attorney shall attempt to utilize long-arm statutes to establish paternity whenever possible.
 - .11 If utilization of long-arm statutes is not possible, the district attorney shall initiate an interstate case.
- .2 Whenever the district attorney initiates an interstate case, the district attorney shall:
 - .21 Provide the responding state with sufficient, accurate information to act on the case.
 - .22 Do one of the following within 30 calendar days of receiving a request for additional information from the responding state:
 - .221 Provide the requested information.
 - .222 Notify the responding state when the information will be provided if the information itself is not available.
 - .23 Notify the responding state of any new information regarding the case within 10 working days of receiving such information.
 - .24 Pay for the costs of genetic testing to establish paternity.
- .3 When the district attorney receives an interstate case from the California Central Registry, the district attorney shall:
 - .31 Do all of the following within 75 calendar days of receipt of the case:
 - .311 Provide locate services, if needed.
 - .312 Request any additional documentation from the initiating state if the provided documentation is not sufficient to process the case fully.
 - .32 If the documentation initially received is insufficient to fully process the case, proceed with case processing to the extent possible with the information provided.
 - .33 Complete all of the following within 10 working days of locating the absent parent in another county:
 - .331 Forward the case to the county in which the absent parent is located.

- .332 Notify the initiating state and the California Central Registry of the case transfer.
- .34 Complete all of the following within 10 working days of locating the absent parent in another state:
 - .341 Return the case and the information regarding the absent parent's location to the initiating state, or forward the case to the central registry of the state in which the absent parent is located if requested to do so by the initiating state.
 - .342 Notify the California Central Registry of the case transfer.
- .35 Provide any necessary services as for an intrastate case including establishing paternity, establishing a support order, enforcing a support order, and collecting and distributing payments.
 - .351 If the district attorney establishes paternity, the district attorney shall attempt to secure a judgment against the absent parent to recover the cost of genetic testing and reimburse the initiating state.
- .36 Provide timely notice to the initiating state in advance of any hearings which might result in establishment or modification of an order.
- .37 Notify the initiating state within 10 working days of receipt of new information regarding the case.
- .38 Notify the California Central Registry whenever an interstate case is closed.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.7(b)(1) through (5), (c)(4)(i) through (iii), (c)(5), (c)(6), (c)(7)(i) through (iv), (c)(8), (c)(9), (c)(10), and (d)(2).

.1 The following types of cases shall not be subject to the requirements in Section 12-211.1:

- .11 Cases in which paternity is at issue.
- .12 Cases involving the right to a jury trial.
- .13 Cases which could directly result in a person's incarceration.
- .14 Cases in which the district attorney initiated an interstate case pursuant to the Uniform Reciprocal Enforcement of Support Act.
- .15 Cases deemed complex by the court, commissioner, or referee.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11475.1(b) and (e)(2), 11479.5, and 15200.8, Welfare and Institutions Code.

- .1 Upon referral from the county welfare department, the district attorney shall attempt to obtain the following information if the information was not previously provided:
 - .11 The county welfare department case number or the recipient's/custodial parent's social security number.
 - .12 The name and social security number of the child(ren).
 - .13 The absent parent's:
 - .131 Name.
 - .132 Social security number.
 - .133 Home address.
 - .134 Employer's name and address.
 - .14 The policy name and number of any health insurance policy of the absent parent and the name of each person covered by the policy.
- .2 The district attorney shall forward the information specified in Section 12-228.1 to the State Department of Health Services.
 - .21 The information shall be forwarded:
 - .211 When the case is referred from the county welfare department and the information is available.
 - .212 Whenever the information becomes available.
 - .22 The district attorney shall not forward the information upon referral if the referral document(s) indicates the information was previously forwarded by the county welfare department.
- .3 The district attorney shall notify all applicants for child support services in writing that medical support services are also available.
- .4 The district attorney shall petition the court for medical support for all cases in which the family is receiving aid, unless the custodial parent and child(ren) have health insurance coverage other than Medi-Cal.
- .5 The district attorney shall petition the court for medical support for all cases in which the family is not receiving aid if medical support services have been requested.

.6 The district attorney shall:

- .61 Notify the State Department of Health Services in writing whenever a new or modified support order includes medical support and provide the information specified in Section 12-228.1 if the family is receiving aid.
- .62 Request employers and other groups offering health insurance coverage to notify the district attorney in writing of any lapses in the health insurance coverage.
- .63 Forward information regarding any health insurance coverage obtained to the custodial parent.
- .64 Communicate with the State Department of Health Services in writing to determine if there has been a lapse in health insurance coverage for recipients of aid.

.7 The district attorney shall attempt to enforce medical support orders.

.71 Enforcement remedies include, but are not limited to:

- .711 Contacting absent parents.
- .712 Contacting absent parents' employers.
- .713 Obtaining health insurance coverage assignments.

.8 The district attorney shall not provide medical support services to a person who is not receiving aid without first obtaining the person's consent.

.81 Consent shall not be required for cases on behalf of families which cease to receive aid but continue to receive Child Support Enforcement Program services unless medical support services have not previously been provided.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code; and 45 CFR 303.30(a) and (b), and .31 (b) and (c).

.1 Case closure shall be done in accordance with Chapter 12-300.

Authority Cited: Sections 10553, 10554, 11475, and 11479.5, Welfare and Institutions Code.

Reference: Sections 11479.5 and 15200.8, Welfare and Institutions Code.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

In the office of the Secretary of State
of the State of California

DEC 27 1991

At 3:26 o'clock P. M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

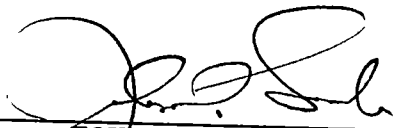
This certifies that the regulations submitted in the
rulemaking file identified below were reviewed and approved
by the Director of the Office of Administrative Law in the
City of Sacramento, State of California.

Submitting Agency:

Department of Social Services

OAL File No:

91-1127-03C


JOHN D. SMITH
Deputy Director

12-27-91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 7-90)

OAL FILE NUMBERS	NOTICE FILE NUMBER 291-0322-01	REGULATORY ACTION NUMBER 91-1127-06C	EMERGENCY NUMBER 91-0322-01E	PREVIOUS REGULATORY ACTION NUMBER 91-0729-05ER
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For use by Office of Administrative Law (OAL) only

1991 NOV 27 PM 1:15

ENDORSED
APPROVED FOR FILING

DEC 27 1991

Office of Administrative Law

FILED

Office of the Secretary of State
of the State of California

DEC 27 1991

At 3:26 o'clock P.M.

MARCH FONG EU, Secretary of State

Ann M. Manassero
Deputy Secretary of State

AGENCY	REGULATIONS	AGENCY FILE NUMBER (if any)
State Department of Social Services		0690-24

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. SUBJECT OF NOTICE	TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed Regulatory Action <input type="checkbox"/> Other	4. AGENCY CONTACT PERSON	TELEPHONE NUMBER	
OAL USE ONLY ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn	NOTICE REGISTER NUMBER 91, #1127	PUBLICATION DATE 4-5-91	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

SECTIONS AFFECTED	ADOPT
	AMEND
	11-400, 11-403, and 11-407
TITLE(S) MPP	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346) ☐ Resubmittal ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100) ☐ Emergency (Gov. Code, § 11346.1(b))

☒ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only ☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

November 5, 1991 through November 20, 1991

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State ☒ Effective on filing with Secretary of State ☐ Effective other (Specify)

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399) ☐ Fair Political Practices Commission ☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON James W. Rhoads, Asst. Bureau Chief, Regulations Development Bureau	TELEPHONE NUMBER (916) 657-2586
--	------------------------------------

7. I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE John D. Healy	DATE 11-26-91
TYPED NAME AND TITLE OF SIGNATORY John D. Healy, Interim Director	

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 7-90) (REVERSE)

**INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS**

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Section 11-400a.(1) to read:

11-400 AFDC-FOSTER CARE RATES

11-400

Definitions.

- a. (1) Administrative Hearing - an administrative hearing conducted by an Administrative Law Judge of the State Department of Social Services (SDSS) as defined by ~~the~~ Welfare and Institutions Code Section 11232.

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- d. (1) Daily Supervision - (Continued)
- (2) Date of Mailing - the date postmarked on the envelope if postage was prepaid and the envelope was properly addressed.
- (3) Department - (Continued)
- (4) Director - the Director of the Department of Social Services.
- (5) Duplicate - a facsimile copy of the original produced by photocopying or some other technique of accurate reproduction. (Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- g. (1) Good Cause - the inability to respond to a required action due to circumstances beyond the control of the group home provider/foster family agency including, but not limited to, natural disasters and emergency medical situations. (Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- i. (1) Infant Supplement - (Continued)
- (2) Informal Conference - a proceeding conducted in person or by telephone for the purpose of clarifying or resolving issues. (Continued)

- p. (1) Paid Awake - (Continued)
- (2) Party - the group home provider, foster family agency, or the Department.
- (3) Placement Agency - (Continued)
- (4) Point(s) - (Continued)
- (5) Primary Placing County - (Continued)
- (6) Program - (Continued)
- (7) Program Change - (Continued)
- (8) Program Classification - (Continued)
- (9) Provider - (Continued)

11-400 AFDC-FOSTER CARE RATES (Continued)

11-400

- s. (1) Set Rate - the per child/per month rate set by the Department for an AFDC-FC group home program or foster family agency pursuant to Section 11460, et seq. of the Welfare and Institutions Code.
- (2) Social Work Activities (SWA) - (Continued)
- (3) Social Worker - (Continued)
- (4) Specialized Care Increment - (Continued)
- (5) Specialized Care Rate - (Continued)
- (6) Specialized Care System - (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), and 11466.1, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11226, 11228, 11230, 11231, 11232, 11233, 11234, 11235, 11236, 11460, 11462, 11466.1, 11466.2, 11466.3, 11468, and 18350, Welfare and Institutions Code, The Classification of Group Home Program Under the Standardized Schedule of Rate System Report, August 30, 1989, and Title 8, California Code of Regulations, Section 11050, Industrial Welfare Commission Order 5-89.

(h) Administrative Review Procedure

- (1) The administrative review procedure for foster family agencies shall be as specified in Section 11-407. (Continued)

Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code.

Reference: Sections 11468 and 11468.2, Welfare and Institutions Code.

Amend Section 11-407 to read:

11-407 AFDC-FOSTER CARE ADMINISTRATIVE REVIEW PROCEDURES 11-407

- .1 Administrative review procedures shall include protest proceedings and appeal proceedings.
- .2 Protest Proceedings
 - .21 A protest proceeding shall be available for group home providers/foster family agencies which disagree with the set rate and which request a different rate.
 - .22 A written protest shall be filed with the Department within 60 days from the date of the mailing of the notification of a set rate. The written protest shall include the following:
 - .221 The name, telephone number, signature, and date of signing of the protest of the group home provider/foster family agency or of the person representing the group home provider/foster family agency;
 - .222 Name and address of the group home provider/foster family agency and the program number;
 - .223 Reason for the protest; and
 - .224 Full supporting documentation relevant to the resolution of the protest which may include, but is not limited to, the following:
 - (a) The records maintained pursuant to Sections 11-402.521 through .523.

HANDBOOK BEGINS HERE

- (1) Personnel records, which include, but are not limited to:
 - (A) Current licenses; diplomas; copies of official transcripts if major shown on diploma is other than those listed as an equivalent for the appropriate program component; or diploma is from a non-accredited school; dated applications for employment and/or resumes;

time sheets; salary schedules showing hours and amount paid; employee benefits; contracts; training and development documents; job descriptions (including position title and classification, duties and responsibilities); and group home organization charts.

(2) Case management records, which include but are not limited to:

(A) Treatment plan; psychological evaluations/reports; medical evaluations/releases; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; and all RCL significant information pertaining to a client shall be included in the client's record.

(3) Training program records which document all the information in the training log such as:

(A) The date(s) of training; hours of duration of each training session; certification of completion; name of trainer and certification; documentation showing provider paid any costs for training, including employee wages and benefits; and subject of the training.

HANDBOOK ENDS HERE

(b) Payroll Files including, but not limited to, a copy of the salary schedule, a record of employee benefits and time sheets.

.23 The Department may request additional documentation or information.

.231 Group home providers/foster family agencies shall submit additional documentation to the Department within 30 days of each receipt of the request for such documentation.

.24 The protest and supporting documentation/additional documentation shall be submitted via certified mail, return receipt requested, to the following address:

State Department of Social Services
Foster Care Rates Bureau
744 P Street, M.S. 19-74
Sacramento, CA 95814

.25 Within 90 days of the receipt of the final documentation or information from the group home provider/foster family agency, the Department shall issue a decision letter via certified mail, return receipt requested.

.251 The decision letter shall state the reasons for the Department's decision and shall include a statement of the right to appeal the decision.

.3 Filing an Appeal and Developing the Record

.31 A group home provider/foster family agency that does not concur with the decision letter and requests a different rate shall file a written appeal/ ~~including a specific statement of disputed issues~~ with the Department within 60 days of receipt of the decision letter. The date of mailing of the appeal shall establish the filing date.

.311 A position statement shall be submitted with the appeal and shall include:

- (a) A specific statement of disputed issues.
- (b) The relevant facts of the case.
- (c) The legal authority supporting the position of the group home provider/foster family agency.
- (d) A copy of all supporting documents and exhibits which are to be offered into evidence.

.3172 The written appeal shall specify whether the group home provider/foster family agency is requesting an oral administrative hearing, or an administrative hearing based upon the written record developed in accordance with Section 11-407.32 without the taking of oral testimony or oral argument.

.3173 The appeal shall be submitted, via certified mail, return receipt requested, to:

Chief Administrative Law Judge
State Department of Social Services
744 P Street, MS 19-66
Sacramento, CA 95814
Attn: Presiding Judge, Sacramento Eastern
Region

(a) At the same time, a copy shall be mailed, via certified mail, return receipt requested, to:

State Department of Social Services
Foster Care Rates Bureau
744 P Street, M.S. 19-74
Sacramento, CA 95814

.3174 The request for appeal shall specify whether or not the group home provider/foster family agency desires that an informal conference be held.

(a) If an informal conference is requested, the reasons for the informal conference shall be included with the request for appeal.

(b) If the Administrative Law Judge determines that an informal conference is appropriate, it shall be ordered and scheduled as soon as reasonably possible. The Administrative Law Judge shall preside at this informal conference.

(c) The Administrative Law Judge shall provide written notice of the date, time, and place of the informal conference which shall be mailed to each party at least 10 ~~calendar~~ days before the date of the informal conference. This period may be shortened with the consent of the parties. Any party may waive notice.

- (d) Efforts shall be made to resolve the facts and issues in dispute in a fair and equitable manner, subject to the requirements of state and federal law.

.32 Developing the Written Record.

.321 Within 4560 days of receipt of an appeal, the Department shall provide the group home provider/foster family agency with a list and copies of documents to be submitted as the written record submit its response to the appeal. The response shall include:

(a) If it has not been specified previously, the Department shall request the group home provider/foster family agency to specify if an oral administrative hearing is requested or if a decision may be rendered based upon the written record.

(a) A specific statement of disputed issues.

(b) The relevant facts of the case.

(c) The legal authority supporting the Department's position.

(d) A copy of all supporting documents and exhibits which are to be submitted into evidence.

.322 The Department's response shall be submitted by personal delivery or certified mail, return receipt requested, to the Chief Administrative Law Judge at the address specified in Section 11-407.313. At the same time, the Department shall mail a copy via certified mail, return receipt requested, to the group home provider/foster family agency.

.3223 The group home provider/foster family agency shall be permitted to add documents and provide any additional arguments or material for inclusion in the record may submit a written rebuttal to the Department's response within 30 days of the receipt of the list of documents Department's response. The rebuttal shall be submitted as set forth in Section 11-407.313.

1323 Within 30 days of receipt of additional documents, arguments, or material submitted by the group home provider/foster family agency, the Department shall forward the written record to the Administrative Adjudications Division.

.324 The Department may submit a written rebuttal to a rebuttal filed by the group home provider/foster family agency within 30 days of the receipt of the rebuttal. The Department's rebuttal shall be filed as set forth in Section 11-407.322.

.3245 Upon submission of the written record, the Administrative Law Judge may request, allow at a party's request, or require on his/her own motion, additional information or argument from any party. The other party shall be provided an reasonable opportunity, as determined by the Administrative Law Judge, to respond to such additional submission.

.325 In addition to the documents listed in Sections 11-407.321 through 1324, the written record shall include, but not be limited to, the following documents discussed in Section 11-407.31 through .325,

(a) The appeal filed by the group home provider/foster family agency;

(b) All relevant documents pursuant to Section 11-407.224;

(c) All applicable laws and regulations, and including those matters of which the Administrative Law Judge takes official or judicial notice. (When an oral administrative hearing is conducted, additional record material submitted for that administrative hearing will subsequently be included.)

.33 When the administrative hearing is to be conducted without an oral administrative hearing, the record shall be closed and the parties notified when the Administrative Law Judge determines that the record is complete. The Administrative Law Judge shall conduct the administrative hearing upon the written record/within 180 days after filing the appeal.

.34 The following shall occur when an oral administrative hearing has been requested:

.341 A written notice of the date, time and place of the oral administrative hearing shall be mailed ~~by the Administrative Law Judge~~ to each party at least 30 ~~calendar~~ days prior to the date of the oral administrative hearing. This period may be waived by any party or shortened with the consent of all parties. The notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.

.342 The oral administrative hearing shall be conducted within 180 days after the filing of an appeal by the group home provider or foster family agency.

.343 The Administrative Law Judge shall determine the date, time, and location of the oral administrative hearing to be held within Sacramento County, unless a different location is ordered by the Administrative Law Judge based upon the needs of a particular appeal.

.4 Procedures Applicable to All Administrative Hearings.

.41 The Administrative Law Judge on his/her own motion or the motion of any party may:

.411 Extend any time period in these appeal regulations for good cause, except the time period set forth in Section 11-407.31 for the filing of an appeal.

.412 Consolidate for an administrative hearing or decision any number of issues or appeals when the facts and circumstances are similar and no substantial right of any party is prejudiced.

.413 Join other parties, grant continuances, and hold additional administrative hearings, as necessary.

.414 Hear any issue before any other issue in the proceeding if the decision on that issue could abate further proceedings.

.415 Question any party or witness.

.416 Prepare a proposed decision for the Director on any separately heard issue.

- (a) Postpone hearing any remaining issues until a final decision has been submitted on any separately heard issues.
- .417 Require any party to submit written memoranda pertaining to any or all issues.
- .418 Dismiss the appeal if the group home provider/foster family agency fails to proceed with the administrative hearing process or fails to appear at an oral administrative hearing.
 - (a) A copy of such dismissal shall be mailed to each party with a statement of the group home provider/foster family agency's right to request that the administrative hearing be reopened. Notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
 - (b) The Administrative Law Judge may vacate any dismissal if the group home provider/foster family agency applies in writing, within 10 calendar days after receipt of such dismissal, and shows good cause for failure to proceed or to appear at the administrative hearing. Lack of good cause shall be inferred if a continuance of the administrative hearing is not requested promptly upon discovery of the reason(s) for failure to proceed or appear at the administrative hearing.
 - (c) The parties shall be given written notice of an order granting or denying any application to vacate a dismissal. Notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
- .42 In order to obtain additional evidence, the Administrative Law Judge may:
 - .421 Continue the administrative hearing and hold the record open for any party to produce additional evidence.
 - .422 Close the administrative hearing and hold the record open for the introduction of additional documentary evidence.

- (a) Material submitted after the close of the administrative hearing shall be provided to each party and to the Administrative Law Judge.
 - (b) ~~Each~~ The other party shall have the opportunity ~~for rebuttal~~ to respond to additional material submitted by a party.
- .423 If the nature of the additional evidence or the rebuttal warrants, order an additional administrative hearing.
- .424 Reopen the record on his/her own motion.
- .43 An Administrative Law Judge may refuse to allow any person to represent a party in an administrative hearing when the person:
- .431 Engages in unethical, disruptive, or contemptuous conduct.
 - .432 Intentionally fails to comply with the instructions or orders of the Administrative Law Judge or the administrative hearing procedures.
- .44 The administrative hearing need not be conducted according to technical rules relating to evidence and witnesses, except as provided in these regulations.
- .441 Relevant evidence, including hearsay, shall be admitted if it is the sort of evidence upon which responsible persons are accustomed to rely in the conduct of serious affairs, regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions.
 - (a) Hearsay evidence shall be permitted to be used for the purpose of supplementing or explaining other evidence, but shall not be sufficient in itself to support a finding, unless it would be admissible over objection in civil actions.
 - (b) The rules of privilege shall be effective to the same extent that they are now, or hereafter may be, recognized under California law in civil actions.
 - (c) Irrelevant, cumulative or unduly repetitious evidence may be excluded by the Administrative Law Judge.

(d) A duplicate is admissible to the same extent as an original unless:

(1) A genuine question is raised as to the authenticity of the original or the duplicate.

(2) It would be unfair to admit the duplicate in lieu of the original.

.442 The Administrative Law Judge shall take official notice of those matters which must be judicially noticed by a court under Section 451 of the California Evidence Code, and may take official notice of those matters which may be judicially noticed by a court under Section 452 of the California Evidence Code.

(a) The parties to the administrative hearing shall be informed of the matters to be noticed, and those matters shall be noted in the record.

(b) Each party shall be given a reasonable opportunity, upon request, to refute the officially noticed matters.

.45 Procedures Governing Subpoenas

.451 Before the administrative hearing has commenced, the agency or the assigned Administrative Law Judge shall issue subpoenas and subpoenas duces tecum at the request of any party for attendance or production of documents at the administrative hearing. Subpoenas and subpoenas duces tecum shall be issued in accordance with Sections 1985, 1985.1, and 1985.2 of the Code of Civil Procedure. After the administrative hearing has commenced, the Administrative Law Judge may issue subpoenas and subpoenas duces tecum.

.452 The process issued pursuant to Subdivision (a) shall be extended to all parts of the state and shall be served in accordance with Sections 1987 and 1988 of the Code of Civil Procedure. No witness shall be obliged to attend the administrative hearing unless the witness is a resident of the state at the time of service.

.453 All witnesses appearing pursuant to subpoena, other than the parties or officers or employees of the state or any political subdivision thereof, shall receive fees, and all witnesses appearing pursuant to subpoena, except the parties, shall receive mileage in the same amount and under the same circumstances as prescribed by law for witnesses in civil actions in a superior court (Government Code Section 68093 provides for fees of \$35 per day and mileage at \$.20 cents a mile, round trip.). Witnesses appearing pursuant to subpoena, except the parties, who attend administrative hearings at points so far removed from their residences as to prohibit return thereto from day to day shall be entitled, in addition to fees and mileage, to a per diem compensation of three dollars (\$3) for expenses of subsistence for each day of actual attendance and for each day necessarily occupied in traveling to and from the administrative hearing. Fees, mileage, and expenses of subsistence shall be paid by the party at whose request the witness is subpoenaed.

.5 Additional Procedures Applicable to Oral Administrative Hearings

.51 Within 15 days after receipt of the written notice that the case has been calendared for an oral administrative hearing, each party shall mail or deliver to the other parties and the Administrative Law Judge ~~a brief position statement summarizing:~~

1511 The facts of the case;

1512 legal authority supporting each party's position;

.5131 The Names and addresses of witnesses, including but not limited to, those intended to be called to testify; and

.5142 A copy of all written documents and exhibits which are to be offered into evidence and which were not previously made a part of the record.

(a) An explanation shall be included of why the evidence was not previously provided. Unless good cause is shown, or the other party concurs in the submission, the Administrative Law Judge may exclude such evidence. If the evidence is allowed, the

Administrative Law Judge may provide the other party additional time to respond to such evidence.

- .52 Any party proposing to object to the receipt in evidence of any proposed exhibit shall advise the presenting party of such objection prior to the commencement of the administrative hearing.
 - .521 All parties shall confer with respect to any objections in advance of the administrative hearing and attempt to resolve them.
- .53 A party appearing at an administrative hearing shall have the necessary evidence and witnesses present and be ready to proceed.
- .54 Testimony shall be taken on oath, or affirmation, under penalty of perjury.
- .55 The administrative hearing shall be electronically recorded, or perpetuated by other means capable of reproduction and transcription.
- .56 Each party shall have the right to:
 - .561 Call and examine parties and witnesses;
 - .562 Introduce documents or exhibits;
 - .563 Question opposing witnesses and parties on any matter relevant to the issues even though the matter was not covered in the direct examination;
 - .564 Impeach any witness regardless of which party first called the witness to testify; and
 - .565 Rebut the evidence.
 - .566 The group home provider/foster family agency shall not be called to testify during the Department's initial presentation pursuant to Section 11-407.571. A group home provider/foster family agency who thereafter fails to testify in its own behalf, may be called and examined as if under cross examination.
- .57 Subject to the discretion of the Administrative Law Judge, the order of the presentation of evidence shall be as follows:

- .571 The Department shall present its case first.
- .572 Once the Department has completed its case, the group home provider/foster family agency shall present its case.
- .573 The Department shall have the opportunity to rebut the group home provider's/foster family agency's evidence.
- .574 The group home provider/foster family agency shall have the opportunity to rebut the rebuttal presented by the Department.
- .58 The administrative hearing shall be conducted in the English language.
 - .581 The proponent of any testimony to be offered by a witness who does not speak the English language proficiently shall provide an interpreter, approved by the Administrative Law Judge/ as proficient in the English language and the language in which the witness will testify.
 - (a) The cost of the interpreter shall be paid by the party providing the interpreter.
 - (b) The interpreter shall swear or affirm that he/she shall translate truthfully, accurately, and completely.
- .59 The Administrative Law Judge shall grant oral and may grant written argument at the request of any party made prior to the close of the administrative hearing.
 - .591 The Administrative Law Judge shall advise the parties of the time and manner in which the written argument is to be filed.

.6 Decision Process

- .61 A proposed decision in a format that may be adopted as the decision of the Director shall be submitted to the Director within 180 days after the closure of the record.
- .62 Within 120 days after submission of the Administrative Law Judge's proposed decision, the Director shall:
 - .621 Adopt the proposed decision with or without reading or hearing the record.

- .622 Reject the proposed decision and adopt an alternative decision based upon the documentary and electronically recorded record, with or without taking additional evidence.
- .623 Refer the matter to the same or a different Administrative Law Judge to take additional evidence.
 - (a) If the case is so assigned, the Administrative Law Judge shall, within 90 days, prepare a proposed decision, based upon the additional evidence and the documentary and electronically recorded record of the prior administrative hearing. The Director may then take one of the actions described in Section 11-407.62 in regard to the new proposed decision. The Director may return a proposed decision only twice on the same appeal.
- .63 The decision shall be final when the decision is mailed to the parties. However, the Director retains jurisdiction to correct clerical errors.
- .631 Copies of the final adopted decision, or the decision of the Director and the Administrative Law Judge's proposed decision if it was not adopted by the Director, shall be mailed ~~by certified mail~~ to the parties. Notice to the group home provider/foster family agency shall be sent by certified mail, return receipt requested.
- .64 The group home provider/foster family agency shall be permitted to request a review of the final decision of the Department in accordance with Section 1094.5 of the Code of Civil Procedure, within six months of the issuance of the Director's final decision.

Authority Cited: Sections 10553, 10554, 11466.4, and 11468, Welfare and Institutions Code.

Reference: Sections 11466.4, 11468, 11468.1, 11468.2, 11468.3, 11468.4, and 11468.5, Welfare and Institutions Code; and Sections 11510, 11512, and 11513, Government Code.

OFFICE OF ADMINISTRATIVE LAW

FILED
In the office of the Secretary of State
of the State of California

CERTIFICATION

OF

DEC 27 1991

APPROVAL

At 3:26 o'clock P. M.
WARCH FONG EU, Secretary of State
By Ann M. Manassero
Deputy Secretary of State

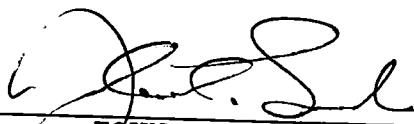
This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency:

Department of Social Services

OAL File No:

91-1127-06C


JOHN D. SMITH
Deputy Director

12-27-91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

(See instructions on reverse)

For use by Secretary of State only

FD-400 (Rev. 1/81)

AGENCY

State Department of Social Services

AGENCY FILE NUMBER (if any)

RDB #1091-52

OAL FILE
NUMBERS

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

PREVIOUS REGULATORY ACTION NUMBER

For use by Office of Administrative Law (OAL) only

1991 DEC 20 PM 2:21
 ENDORSED
 APPROVED FOR FILING
 ADMINISTRATIVE LAW
 DEC 27 1991
 Office of Administrative Law

FILED
 Office of the Secretary of State
 of the State of California

DEC 27 1991

At 3:26 o'clock P. M.
 MARCH FONG EU, Secretary of State
 By Ann M. Manassero
 Deputy Secretary of State

NOTICE

REGULATIONS

A. PUBLICATION OF NOTICE (Complete for publication in Notice Register)

1. TOPIC OF NOTICE		TITLE(S)	FIRST SECTION AFFECTED	2. REQUESTED PUBLICATION DATE	
3. NOTICE TYPE <input type="checkbox"/> Notice re Proposed <input type="checkbox"/> Regulatory Action <input type="checkbox"/> Other		4. AGENCY CONTACT PERSON		TELEPHONE NUMBER	
OAL USE ONLY	ACTION ON PROPOSED NOTICE <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics-related)

TITLE(S) MPP	ADOPT
SECTIONS AFFECTED	AMEND 11-402
	REPEAL

2. TYPE OF FILING

☐ Regular Rulemaking (Gov. Code, § 11346)
 ☐ Resubmittal
 ☐ Changes Without Regulatory Effect (Cal. Code Regs., title 1, § 100)
 ☒ Emergency (Gov. Code, § 11346.1(b))

☐ Certificate of Compliance: The agency officer named below certifies that this agency complied with the provisions of Government Code §§ 11346.4 - 11346.8 prior to, or within 120 days of, the effective date of the regulations listed above.

☐ Print Only
☐ Other (specify)

3. DATE(S) OF AVAILABILITY OF MODIFIED REGULATIONS AND/OR MATERIAL ADDED TO THE RULEMAKING FILE (Cal. Code Regs. title 1, §§ 44 and 45)

N/A

4. EFFECTIVE DATE OF REGULATORY CHANGES (Gov. Code § 11346.2)

☐ Effective 30th day after filing with Secretary of State
☐ Effective on filing with Secretary of State
☒ Effective other (Specify) January 1, 1992

5. CHECK IF THESE REGULATIONS REQUIRE NOTICE TO, OR REVIEW, CONSULTATION, APPROVAL OR CONCURRENCE BY, ANOTHER AGENCY OR ENTITY

☐ Department of Finance (Form STD. 399)
☐ Fair Political Practices Commission
☐ State Fire Marshal

☐ Other (Specify)

6. CONTACT PERSON

Jim Rhoads, Assistant Chief, Regulations Development Bureau

TELEPHONE NUMBER

657-2586

7.

I certify that the attached copy of the regulation(s) is a true and correct copy of the regulation(s) identified on this form, that the information specified on this form is true and correct, and that I am the head of the agency taking this action, or a designee of the head of the agency, and am authorized to make this certification.

SIGNATURE OF AGENCY HEAD OR DESIGNEE

John D. Healy
 TYPED NAME AND TITLE OF SIGNATORY
 John D. Healy, Interim Director

DATE

12-20-91

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 2-91) (REVERSE)

INSTRUCTIONS FOR PUBLICATION OF NOTICE
AND SUBMISSION OF REGULATIONS

The revised form STD. 400 replaces form STD. 398 (REV. 3/85) (Face Sheet for Filing Notice of Proposed Regulatory Action in the California Administrative Notice Register) and form STD. 400 (REV. 8/85) (Face Sheet for Filing Administrative Regulations with the Office of Administrative Law). Use the new form STD. 400 for submitting notices for publication and regulations for Office of Administrative Law (OAL) review.

ALL FILINGS

Enter the agency name and agency file number, if any.

NOTICES

Complete Part A when submitting a notice to OAL for publication in the California Regulatory Notice Register. Submit two (2) copies of the STD. 400 with four (4) copies of the notice and, if a notice of proposed regulatory action, one copy each of the complete text of the regulations, the statement of reasons and a list of small businesses to whom the notice will be mailed, if any. If the notice is approved, OAL will return the STD. 400 with a copy of the notice and will check "Approved as Submitted" or "Approved as Modified" and place a number in the box marked "Notice File Number." If the notice is disapproved or withdrawn, that will also be indicated in the space marked "Action on Proposed Notice." Please submit a new form STD. 400 when resubmitting the notice.

REGULATIONS

When submitting regulations to OAL for review, fill out STD. 400, Part B. Use the form that was previously submitted with the notice of proposed regulatory action which contains the "Notice File Number" assigned, or, if a new STD. 400 is used, please include the previously assigned number in the box marked "Notice File Number." In filling out Part B, be sure to complete the certification including the date signed, the title and typed name of the signatory. The following must be submitted when filing regulations: seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification) and the complete rulemaking file with index and sworn statement. (See Government Code § 11347.3 for rulemaking file contents.)

RESUBMITTAL OF DISAPPROVED OR WITHDRAWN REGULATIONS

When resubmitting previously disapproved or withdrawn regulations to OAL for review, use a new STD. 400 and fill out Part B, including the signed certification. Enter the number of the previously disapproved or withdrawn filing in the box marked

"Previous Regulatory Action Number" at the top of the form and submit seven (7) copies of the regulation to OAL with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). Be sure to include an index, sworn statement, and (if returned to the agency) the complete rulemaking file. (See Government Code §§ 11349.4 and 11347.3 for more specific requirements.)

EMERGENCY REGULATIONS

Fill out only Part B, including the signed certification, and submit seven (7) copies of the regulations with a copy of the STD. 400 attached to the front of each (one copy must bear an original signature on the certification). (See Government Code § 11346.1 for other requirements.)

NOTICE FOLLOWING EMERGENCY ACTION

When submitting a notice of proposed regulatory action after an emergency filing, use a new STD. 400 and complete Part A only. Please insert the OAL number for the original emergency filing in the box marked "Emergency Number" at the top of the form. OAL will return the STD. 400 with the notice upon approval or disapproval. If the notice is disapproved, please fill out a new form when resubmitting for publication.

CERTIFICATE OF COMPLIANCE

When filing the certificate of compliance for emergency regulations, fill out Part B on the form that was previously submitted with the notice, or, if a new STD. 400 is used, please include the previously assigned numbers in the boxes marked "Notice File Number" and "Emergency Number." The materials indicated in these instructions for "REGULATIONS" must also be submitted.

EMERGENCY REGULATIONS - READOPTION

When submitting previously approved emergency regulations for readoption, use a new STD. 400 and fill out Part B, including the signed certification, and enter the OAL number of the original emergency filing in the box marked "Emergency Number" at the top of the form.

If you have any questions regarding this form or the procedure for filing notices or submitting regulations to OAL for review, please contact the Office of Administrative Law at (916) 323-6225 or ATSS 473-6225.

Amend Sections 11-402.4 and .5 to read:

11-402 GROUP HOME RATE SETTING (Continued)

11-402

.4 Deviations from Annual Rate Setting

.41 New Program

.411 (Continued)

- (a) A new and complete program statement shall be submitted with each initial rate application. The program statement shall include the following until such time as a standardized program statement is implemented pursuant to Welfare and Institutions Code Section 11467(a);
(Continued)

(7) An existing provider operating a group home program in the facility(ies) in which he/she intends to provide a new program shall:

(A) Obtain and submit verification from the placement agency that an assessment has been completed on each child to ensure that the level of care and services of the new program meets the needs of the child.

(b) (Continued)

(c) (Continued)

(d) (Continued)

.412 The effective date of a new program rate shall be the date ~~of the~~ Departmental approval of the projected RCL receives a complete rate application as specified in Section 11-402.411.

.413 (Continued)

.414 (Continued)

.42 New Provider (Continued)

.424 The effective date of the rate for a new provider shall be the later of:

(a) (Continued)

(b) Date the Departmental approval of the projected RCL receives a complete rate application as specified in Section 11-402.422, or

(c) (Continued)

.5 Program Audits (Continued)

.52 Providers shall maintain program records for a minimum of five years and make them easily accessible to any Departmental staff conducting program audits. Program records to be maintained include, but are not limited to the following:

.521 (Continued)

.522 Case management records, which include but are not limited to:

(a) Treatment plan; psychological evaluations/reports; medical evaluations/releases; education evaluations/information; correspondence; dictation and documentation of services provided; court orders; quarterly reports/program reports; information required by licensing regulations under Title 22; verification from the placement agency required in Section 11-402.411(a)(7); and all RCL significant information pertaining to a client shall be included in the client's record.

.523 (Continued)

Authority Cited: Sections 10553, 10554, 11462(j), 11466.1, and 11466.2, Welfare and Institutions Code and Chapter 1294, Statutes of 1989, Section 23.

Reference: Sections 10852, 11460, 11462, 11466.1, 11466.2, 11466.3, 11466.4, 11467, and 18350, Welfare and Institutions Code and The Classification of Group Home Programs Under the Standardized Schedule of Rate System Report, August 30, 1989.

OFFICE OF ADMINISTRATIVE LAW

CERTIFICATION

OF

APPROVAL

FILED

Office of the Secretary of State
of the State of California

DEC 27 1991

At 3:26 o'clock P.M.

MARCH FONG EU, Secretary of State

By Ann M. Manassero
Deputy Secretary of State

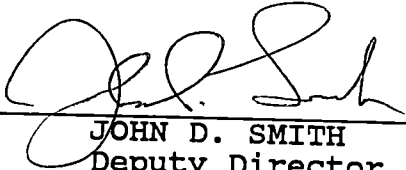
This certifies that the regulations submitted in the rulemaking file identified below were reviewed and approved by the Director of the Office of Administrative Law in the City of Sacramento, State of California.

Submitting Agency:

Department of Social Services

OAL File No:

91-1220-09E


JOHN D. SMITH
Deputy Director

12-27-91